104

CHINA MFN: HUMAN RIGHTS CONSEQUENCES

Y 4. IN 8/16: C 44/11

China MFN: Human Rights Consequence...

HEARING

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

OF THE

COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

JUNE 18, 1996

Printed for the use of the Committee on International Relations

SUPERINTENDENT OF DOCUMENTS
DEPOSITORY

OCT 11 1996

BOSTON PUBLIC LIBRARY
GOVERNMENT DOCUMENTS DEPARTMENT

U.S. GOVERNMENT PRINTING OFFICE

26-406 CC WASHINGTON : 1996

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-053417-8

104

CHINA MFN: HUMAN RIGHTS CONSEQUENCES

Y 4. IN 8/16: C 44/11

China MFN: Human Rights Consequence...

HEARING

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

OF THE

COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

JUNE 18, 1996

Printed for the use of the Committee on International Relations

SUPERINTENDENT OF DOCUMENTS
DEPOSITORY

OCT 11 1996

BOSTON PUBLIC LIBRARY
GOVERNMENT DOCUMENTS DEPARTMENT

U.S. GOVERNMENT PRINTING OFFICE

26-406 CC WASHINGTON : 1996

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-053417-8

COMMITTEE ON INTERNATIONAL RELATIONS

BENJAMIN A. GILMAN, New York, *Chairman*

WILLIAM F. GOODLING, Pennsylvania
JAMES A. LEACH, Iowa
TOBY ROTH, Wisconsin
HENRY J. HYDE, Illinois
DOUG BEREUTER, Nebraska
CHRISTOPHER H. SMITH, New Jersey
DAN BURTON, Indiana
JAN MEYERS, Kansas
ELTON GALLEGLY, California
ILEANA ROS-LEHTINEN, Florida
CASS BALLENGER, North Carolina
DANA ROHRABACHER, California
DONALD A. MANZULLO, Illinois
EDWARD R. ROYCE, California
PETER T. KING, New York
JAY KIM, California
SAM BROWNBACK, Kansas
DAVID FUNDERBURK, North Carolina
STEVEN J. CHABOT, Ohio
MARSHALL "MARK" SANFORD, South Carolina
MATT SALMON, Arizona
AMO HOUGHTON, New York
TOM CAMPBELL, California

LEE H. HAMILTON, Indiana
SAM GEJDENSON, Connecticut
TOM LANTOS, California
ROBERT G. TORRICELLI, New Jersey
HOWARD L. BERMAN, California
GARY L. ACKERMAN, New York
HARRY JOHNSTON, Florida
ENI F.H. FALEOMAVAEGA, American Samoa
MATTHEW G. MARTINEZ, California
DONALD M. PAYNE, New Jersey
ROBERT E. ANDREWS, New Jersey
ROBERT MENENDEZ, New Jersey
SHERROD BROWN, Ohio
CYNTHIA A. McKINNEY, Georgia
ALCEE L. HASTINGS, Florida
ALBERT RUSSELL WYNN, Maryland
JAMES P. MORAN, Virginia
VICTOR O. FRAZER, Virgin Islands (Ind.)
CHARLIE ROSE, North Carolina
PAT DANNER, Missouri

RICHARD J. GARON, *Chief of Staff*
MICHAEL H. VAN DUSEN, *Democratic Chief of Staff*

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

CHRISTOPHER H. SMITH, New Jersey, *Chairman*

BENJAMIN A. GILMAN, New York
WILLIAM F. GOODLING, Pennsylvania
HENRY J. HYDE, Illinois
PETER T. KING, New York
DAVID FUNDERBURK, North Carolina
MATT SALMON, Arizona
EDWARD R. ROYCE, California

TOM LANTOS, California
CYNTHIA A. McKINNEY, Georgia
JAMES P. MORAN, Virginia
HOWARD L. BERMAN, California
ENI F.H. FALEOMAVAEGA, American Samoa
DONALD M. PAYNE, New Jersey

GROVER JOSEPH REES, *Subcommittee Staff Director and Chief Counsel*
ROBERT R. KING, *Democratic Professional Staff Member*
DOUGLAS C. ANDERSON, *Professional Staff Member*
STEPHANIE E. SCHMIDT, *Staff Associate*

CONTENTS

WITNESSES

	Page
Hon. Frank R. Wolf, a Representative in Congress from the State of Virginia	6
Hon. Nancy Pelosi, a Representative in Congress from the State of California	10
Dr. William F. Schulz, Executive Director, Amnesty International USA	27
Ms. Nina Shea, Director, Puebla Program on Religious Freedom, Freedom House	30
Mr. James V. Feinerman, Professor of Law, Georgetown University Law Center	33
Mr. Mike Jendrzejczyk, Washington Director, Human Rights Watch/Asia	37
Mr. Lodi G. Gyari, Cabinet Advisor, Special Envoy for His Holiness the Dalai Lama, and President, International Campaign for Tibet	40
Mr. Hongda Harry Wu, Executive Director, The Laogai Research Foundation	49
Mr. Zheng Yi, Researcher, Princeton China Initiative	52
Dr. Zhou Wei Zheng, former physician, Zhanjiang Medical Institute, People's Republic of China	54
Dr. Qian Xiao Jiang, former physician, Oncological Department, Anhui Medical University Hospital, People's Republic of China	55

APPENDIX

Prepared statements:	
Hon. Frank R. Wolf	61
Hon. Nancy Pelosi	65
Dr. William F. Schulz	69
Ms. Nina Shea	80
Mr. James V. Feinerman	88
Mr. Mike Jendrzejczyk	93
Mr. Lodi G. Gyari	104
Mr. Hongda Harry Wu	117
Mr. Zheng Yi	146
Dr. Zhou Wei Zheng	149
Dr. Qian Xiao Jiang	151
Statement submitted for the record by Most Reverend Daniel P. Reilly, Bishop of Worcester, Chairman, U.S. Catholic Conference, Committee on International Policy	157

CHINA MFN: HUMAN RIGHTS CONSEQUENCES

TUESDAY, JUNE 18, 1996

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS,
Washington, DC

The subcommittee met, pursuant to notice, at 2:05 p.m., in room 2172, Rayburn House Office Building, Washington, DC, Hon. Christopher H. Smith, presiding.

Mr. SMITH. The subcommittee will come to order.

Today's hearing is about the human rights consequences of extending Most Favored Nation status to the People's Republic of China.

On May 16 of this year, two subcommittees of the International Relations Committee held a hearing, whose scope was limited to the economic consequences of MFN. Two witnesses—including our colleague Nancy Pelosi, who will be joining us momentarily—pointed out that even if economics were more important than human rights, even if we could close our eyes to atrocities perpetrated by the Beijing regime, our multibillion-dollar trade deficit with the PRC, which costs many thousands of American jobs, is hardly the sort of economic benefit that should tempt us to do so.

There are some good economic arguments against MFN for China, but there was no testimony at all at the May 16 hearing about whether extending MFN and doing so unconditionally with no link to Beijing Government's human rights policies helps or hurts the cause of human rights. At today's hearing, we will attempt to gather this important information.

My own views on this subject are well known. I believe the Clinton administration's celebrated delinking of Most Favored Nation status from human rights in 1994 was not only a terrible mistake, it was a betrayal.

After issuing a comprehensive Executive Order that required "significant progress in human rights in order to renew MFN," the Clinton administration shamefully and shamelessly flip-flopped when the Chinese Government's record went from bad to worse. The PRC called Mr. Clinton's bluff, and the Administration's resolve to put people above profits was thrown over the side.

I led a human rights mission to China, one of three. This one was during January 1994, midway through the review period covered by the Executive Order. I met with a broad spectrum of human rights and religious activists, as well as high government officials.

To my shock, virtually every Chinese official with whom I met told me that MFN would be delinked from human rights; that the Clinton administration's Executive Order was not worth the paper that it was printed on. As the PRC officials thought, the gesture was worthless, it was insincere, and it was bogus.

Unfortunately, it was only the worst example of a broader policy in which the U.S. Government has brought about an almost total delinking of human rights from other foreign policy concerns around the globe.

As a candidate, Bill Clinton justly criticized some officials of previous Administrations for subordinating human rights to other concerns, in China and elsewhere. He called it coddling dictators. The Clinton administration has coddled as few have coddled before.

Each year as the time approaches for Congress and the President to review the question of MFN for the government of the People's Republic of China, Members of Congress are approached by representatives of business interests to support MFN. Their argument is that constructive engagement is the best long-term strategy for promoting human rights in China.

The biggest problem with this strategy is that, in the 20 years our government has been trying it, it has not yet succeeded. Our government has been embroiled in a 25-year, one-way love affair with the Communist regime in Beijing. There is no question that increased contact with the West has changed China's economic system, but there is little or no evidence that it has increased the regime's respect for fundamental human rights.

I have made an honest effort to try to understand why this is. If, as we Americans believe, human rights are universal and indivisible, then perhaps the extension of economic rights should lead to an exertable pressure for free speech, democracy, freedom of religion and even the right to bring children into this world, and yet it has not worked.

One possible reason is that, although there has been economic progress in China, this has not resulted in true economic freedom. In order to stay in business, foreign firms and individual Chinese merchants alike must have government officials as their protectors and silent and not so silent partners.

Yet there is money to be made in China. Every year at MFN time, we in Congress get the distinct impression that some of the people who lobby us are making money hand over fist. This is not at all the same as having a free economic system.

Large corporations made untold millions of dollars in Nazi Germany. Dr. Armand Hammer made hundreds of millions dealing with the Soviet Government under the Stalin regime, yet no one seriously argues that these economic opportunities led to freedom or democracy. Why should China be different?

For 20 years, we have coddled the Communist Chinese dictators hoping that they would trade communism for freedom and democracy. Instead, it appears they have traded communism for fascism. There is no freedom, no democracy, and, for millions of human beings trapped in China, no hope.

Another reason increased business contacts have not led to political and religious freedom is that most of our business people—the very people on whom the strategy of comprehensive engagement re-

lies to be the shock troops of freedom—do not even mention freedom or human rights when they talk with their Chinese hosts. After the annual vote on MFN, the human rights concerns expressed by pro-MFN business interests often recede and fade into oblivion for another 11 months.

Our State Department's own Country Report on Human Rights Practices for 1995 make it clear that China's human rights performance has continued to deteriorate since the delinking of MFN from human rights in 1994. In each area of concern—the detention of political prisoners, the extensive use of forced labor, the continued repression in Tibet and suppression of the Tibetan culture and coercive population practices—there has been regression rather than improvement.

Every year we find out about new outrages; most recently, the dying rooms in which an agency of the Beijing Government deliberately left unwanted children to die of starvation and disease.

Some of our witnesses today will speak of further atrocities, of the use of public executions to terrorize the public, and even of the harvesting of human organs.

Just a few days ago, I received evidence of one more outrage. Since February 1994, just 1 month into the Clinton administration's tenure in office, the United States has been forcibly repatriating people who manage to escape from China. Some, although not all, of these people claim to have escaped in order to avoid forced abortion or forced sterilization. Others are persecuted Christians or Buddhists or people who do not wish to live without freedom and democracy. Still others just want a better life.

For over 3 years now, over 100 passengers from the refugee ship *Golden Venture* have been imprisoned by the U.S. Government. Their only crime was escaping from Communist China. In the last few months, several dozen of the Golden Venture passengers have been deported to China, some by force, some voluntarily, because they were worn down by years in detention.

Last week, I received an affidavit signed by Pin Lin, a *Golden Venture* passenger, who went through the intervention of the Holy See and has been given refugee status in Venezuela. He has received information from families of some of the men who have been returned.

The Chinese Government had promised that there would be no retaliation. Contrary to these promises, the men who returned were arrested and imprisoned upon their return to China. Men who have been mentioned in the U.S. newspapers or who had cooperated with the American press were beaten very severely as an example to others.

The men and women remaining in prison, the men in York, Pennsylvania, and the women in Bakersfield, California, are terrified by these reports, and yet they are still detained and are still scheduled for deportation to China.

I have asked the Clinton administration to please let these people go. They have suffered enough. I look forward to hearing the testimony of our witnesses, who will speak to the issue of human rights in China.

I would like to ask my good friend, the distinguished ranking member of the subcommittee, Mr. Lantos, for his opening comments.

Mr. LANTOS. Thank you very much, Mr. Chairman. Let me first commend you and our very distinguished colleague, Congressman Wolf, for your steadfast principled position on this issue through the years under both Democratic and Republican administrations.

It is obvious that China will get MFN again this year despite your opposition, despite Congressman Wolf's opposition and despite my opposition. As a matter of fact, I think the three of us are among a handful of people who have steadfastly opposed Most Favored Nation treatment to China under Republican and Democratic administrations. We have consistently been on the losing side. We will again be on the losing side this year, but that in no sense diminishes the righteousness of our position.

I begin, Mr. Chairman, by observing the obvious; that the Chinese do not take the United States seriously. The Chinese know, based on the policies of recent Administrations, that we are timid in our responses to the most outrageous conduct by the Chinese Government in Beijing. We waffle, we justify, we rationalize, and ultimately we back down.

In a phrase popularized by Chairman Mao, the United States is a paper tiger, and the Chinese know it. I think it should be obvious by now that the only way to get the attention of the Chinese is to be serious and to be tough and to make it clear to the Chinese Government that we are very serious about our concerns.

I could not help being amused, not in a very happy way, over the weekend watching our chief trade negotiator, Ms. Barshevsky, going through that circus and that charade in Beijing with the media following every step and every bit of body language as to whether in fact there will be a confrontation. It was an easy bet. It was an easy bet that there would be no real confrontation, that there will be an accommodation and that, as always, we will back down.

The Chinese take us moderately seriously when it comes to matters like intellectual property disputes because intellectual property disputes involve the American business community, and, therefore, both the previous and this Administration can be counted upon to act with a degree of seriousness.

The Chinese have shamelessly pirated our intellectual property on a grand scale appropriate to the size of the country—computer programs, music recordings, printed materials, you name it. This is of particular concern to our local high tech industry in the Silicon Valley. According to knowledgeable estimates, the cost to American firms runs into billions of dollars.

For some time, the Chinese only halfheartedly made any effort to enforce international agreements, which they, of course, had signed. On the eve of the deadline set by the United States, at the moment when we were about to impose serious trade sanctions, then the Chinese agreed to some degree of enforcement measures. Only time will tell how serious these will be.

Of course, there is no willingness on the part of either Republican or Democratic administrations to show the same degree of re-

solve vis-a-vis the Chinese regarding the observance of human rights.

The Chinese record on the issue of human rights for its own citizens is one of the most offensive on the face of this planet. It was just a few days ago that we commemorated the anniversary of the brutal suppression of the legitimate rights of free speech and assembly exercised by courageous young Chinese men and women on Tiananmen Square 7 years ago.

When you come into my office, Mr. Chairman, you notice that in the reception room there is a huge poster of that unforgettable, sole, unarmed young Chinese man standing up to Chinese tanks and showing the courage of his convictions.

Tiananmen Square was clearly one of the most brutal and vicious actions by any government against its own people probably since the brutal tyranny of Nazi Germany and the Stalinist Soviet Union.

China, of course, has been making major efforts to undermine the embryonic political democracy developing in Hong Kong. I shudder to think of the fate of the people of Hong Kong once the Communist regime in China takes control of the crown colony.

In recent months, we have seen the most preposterous and blatant attempts to intimidate Taiwan. Chinese armed forces conducted military exercises and fired missiles near Taiwan while that island was holding the first direct democratic Presidential elections in the history of the Chinese people.

What could be a more clear cut juxtaposition; the attempt of a small island which has achieved economic miracles, to crown this development with free and open Presidential elections observed by the whole world, and the attempt of the Chinese Communist regime to intimidate the people and government of Taiwan by firing missiles into Taiwanese territorial waters.

Human rights considerations are clearly one of the major reasons why we should not be renewing Most Favored Nation treatment for China. There are plenty of other reasons as well.

Let me first begin with the legal assault weapon sales. In a recent sting operation in my region of the country in the San Francisco Bay area, the Department of Justice netted eight individuals, both Americans and Chinese, involved in the illegal import and sale of some 2,000 Chinese-made military style assault weapons. This is one of the largest seizures of illegal arms in U.S. history. The Chinese companies involved are under the direct control of the Chinese People's Liberation Army, the Chinese armed forces.

With our chairman, Congressman Gilman, I introduced legislation recently to ban all commercial activities in the United States conducted by companies owned or controlled by the People's Liberation Army. I hope all of my colleagues will see the outrage involved in the Chinese Communist military making profits by trading here in the United States.

We have a huge trade imbalance with China. That would give us the most powerful leverage to promote our goals and objectives in the field of human rights and arms proliferation. The U.S./China trade deficit ballooned to $34,000,000,000 last year. It is a very lopsided trade relationship we have with China, which clearly gives us leverage, a leverage our government refuses to use.

The proliferation of nuclear weapons technology and missile technology is one of the other crimes of this regime. Chinese companies associated with the People's Liberation Army have sold sophisticated nuclear and missile equipment and technology to Pakistan, to Iran and to other rogue regimes.

I am convinced, in conclusion, Mr. Chairman, that if the United States is to be taken seriously by China, which we are not at the moment, it is essential that the Chinese Government know that we are not a paper tiger, that we can back our concerns with meaningful and effective action.

The first step clearly is not to renew MFN tariff treatment for Chinese products imported into the United States. We can easily survive without the stuffed toys, Christmas lights, tennis shoes, electronics equipment and textiles we now import from China. We can import these from countries that have greater regard for human rights, that do not engage in the proliferation of weapons of mass destruction. We might even create a few jobs here in the United States.

If China does not get the message by our revoking MFN, we should take stronger steps. China must understand that this great democratic nation has the will and the ability to stand up to China's outrageous international behavior and its egregious violations of human rights against their own people and the people of Tibet.

China does not understand diplomatic niceties. It does understand strong and principled action. It is time to show China that America is not a paper tiger, and I hope that sooner or later we shall.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Lantos, for your very eloquent statement.

I would like to ask Mr. Wolf, chairman of the Appropriations Subcommittee on Transportation, if he would present his testimony.

STATEMENT OF HON. FRANK R. WOLF, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. WOLF. I will be very brief. We are in a markup now that started at 2 p.m., so I am going to run. I wanted to come, and I thank you for holding the hearings, you and Mr. Lantos.

Also, I noticed that a number of people in the audience are mainly young, which is a good sign for the future of the country that young people are interested in this very, very compelling issue.

Before I begin, I want to tell you that I wrote Dr. Elena Bonner last week to ask her what she thought because she is an expert on MFN with regard to the Soviet Union and what she thought with regard to whether or not we should grant MFN to China.

As you know, several Members of Congress have come out with a recommendation to make it permanent to grant them MFN.

I would like to submit and read to you what Dr. Elena Bonner said on the MFN status for China. We got this in my office late last night. She said:

"Dear Congressman Wolf, I believe it is dangerous to grant the Most Favored Nation status to China while mass scale violations

of human rights are taking place there, confirmed by many authoritative international human rights organizations.

The United States possesses only one real mechanism for protection of human rights in other countries—granting or not granting such status. There should be no double standard in this issue, and there should be no double standards for protection of human rights no matter in which part of the world."

Dr. Bonner goes on to say that "more than 20 years ago, Andrei Sakharov had addressed the U.S. Congress with an appeal to introduce the Jackson-Vanik amendment, and by doing this to confirm commitment of your country to the basic cause of human rights. Today, I dare to warn American legislators against hasty refusal from the Jackson-Vanik amendment.

By giving up on this amendment, the U.S. Congress, in my mind, is going to lose completely its influence on human rights situations in any other part of the world and will practically admit that protection of human rights is no longer a matter of priority and a long term goal of the Congress and U.S. people."

Unfortunately, Mr. Chairman, I think Elena Bonner is exactly right. I personally am beginning to think that human rights is no longer a commitment and an interest of the U.S. Congress and certainly not of this Administration.

Last year we had a bill that we worked out. As you know, I voted in favor of tabling the resolution that I had introduced, which would have denied MFN. I changed my mind because of Harry Wu and a number of other cases. This year that will no longer be the case.

We should oppose MFN for so many reasons because what happened after we gave it to them? We learned about the AK–47 assault weapons that Mr. Lantos mentioned. We had ATF and Customs come to my office earlier this week to brief us on what happened. They were willing to sell shoulder missiles, which could have taken a 747 out of the sky. They could have stood at the end of LAX Airport and taken aircraft out of the sky.

We would not give those missiles to the contras down in Nicaragua during the issue that we were so concerned about. They were willing to sell it. They knew there were street gangs and drug gangs, and they were willing to put these AK–47's, shoulder missiles and even tanks in the hands of people that would have killed innocent people.

We learned that the government sold ring magnets used to enrich uranium and M–11 to Pakistan. We learned that the Chinese Communists offered patrol boats to Iran, and Chinese companies are helping the Iranian Government build poison gas factories. We learned that China is making a deal with Russia to buy SS–18 missiles.

We have more evidence of the dying and the neglect of the young in the orphanages. We saw the pictures. We know of the persecution of Catholic priests. There are Catholic priests in jails as we now speak. There are Catholic bishops in jail. There are Protestant ministers in jail.

Had that happened during the 1980's when Sharansky was in Perm Camp 35, and you know what Perm Camp 35 was like, and Mrs. Bonner's husband was under house arrest, any Congressman

that had the nerve to go to the floor of the House and say let's grant MFN to the Soviet Union would have been—it was unheard of. You could not even imagine it.

We had rallies. Do you remember the rallies on the mall leading from the Capitol all the way down to the Washington Monument down to the Lincoln Memorial? That Sunday everyone rallied—Republican, Democratic, conservative, liberal—together.

You cannot get anybody. We showed the film, what you may be going to show today, that Harry Wu brought out on shooting people, putting bullets in the back of their heads, taking their corneas out and the kidneys out. We only had about 13 or 14 members who took the time to come to see it.

Conditions have changed. We know that churches have been bulldozed. We know that they raid house churches. We know that they plundered Tibet and what they have done to Tibetan monks and nuns.

Where is the sensitizing of this place? We know what is going on there. We know that they are persecuting Muslims in a western province. We know of all these things, of the Tibetan monks in prison and the torture. We know what they did to Harry Wu. We know that they are selling kidney transplants.

We know. We know. We know. We know the memorandum of understanding of 1992 is not worth the paper it is written on. We just know it has been a total, absolute failure.

I appreciate your holding these hearings. I do not think we are going to be successful this year, but I will tell you something. I would not want to be a Member of Congress that voted to grant MFN, and next year when a Chinese army comes into Hong Kong, you may see pictures that almost emulate a World War II movie of coming in from World War II when the Japanese army came into certain villages. We literally may see that. I would not want it on my conscience.

It has not worked. There is absolutely categorically no proof. None. Last year, I voted to give MFN. No proof that the granting of MFN has made any difference. Quite the contrary. More bad things have happened this year than actually the year before.

Ten or 20 years from now when these Members of Congress and these people in the Administration are sitting on their rocking chair or sitting wherever they sit and think about this vote, I think this is fundamentally one of the most important moral human rights votes that this Congress will address this decade because this is the largest country in the world. We know how bad it is going. We know nothing has improved.

We have Elena Bonner now telling us from her experience. Elena Bonner has fought more about human rights and has suffered more and gone through more persecution than this entire Congress gathered up together but for perhaps one or two, Mr. Lantos and others, would even know about. The voice of wisdom. The voice of history.

I just hope that you will be able to break through. Maybe we will be able to deny it in the House. Maybe it will be close in the Senate. That way when next year comes, we can then finally take it away or, which would be my hope, that the Chinese Government, because the Chinese people are good and decent people, will change

and then next year when you hold a hearing like this, things will be improved. Things will be positive and better, and we will not have to take it away.

I thank the Chairman for the hearing. I thank Mr. Lantos for his leadership on these issues.

[The prepared statement of Mr. Wolf appears in the appendix.]

Mr. SMITH. Mr. Wolf, just very briefly, I want to thank you for your solid and steadfast commitment. Having traveled with you to such disparate places as Romania and China, I know that nobody is more committed and more consistent than you have been on human rights during your 16 years as a Member of Congress.

You and I were in the Laogai system, in a Beijing prison camp, and saw firsthand where they held up to 40 Tiananmen Square students who were making jelly shoes and socks.

You had the good sense to request those socks and shoes. We turned them over to our own government and, sure enough, they shut down that plant because those things were being exported. Yet there are thousands more of such Laogai littered throughout China.

We heard over a year ago, right at this witness table, from six survivors of the Chinese gulag system. Just this past week, we had a hearing on the use of children who were being exploited in the sweatshops. I pointed out there, and I will point out over and over again, the parallels in the manufacture and sourcing of products that ultimately end up on our shelves between those that come from concentration camps and those that come from sweatshops.

These are parallel issues. We have a law on the books, the Smoot-Hawley Act, that should prevent those products from getting in. As you know, we were able to use it to get a couple of items prohibited from coming here. Yet it is not being enforced by the executive branch. That is to its shame.

I just want to thank you for your outstanding work on behalf of human rights. As you know, even a nation like Romania, small as it is, once had MFN during its worst period, and Nicolas Ceausescu was feted by the diplomatic corps. Later, especially after his demise, he was shown to be the brutal dictator that he was.

We will continue pushing on in a bipartisan manner. Your leadership is absolutely indispensable to protecting the human rights of people in China. I want to thank you for your great work.

Mr. WOLF. I appreciate it. As you know, when we took MFN away, which was a bipartisan issue, from Ceausescu, it helped. The Romanian people agreed with us.

Last, you know, the Catholic priests who are in jail, the Buddhist monks and nuns and the Protestant pastors, they do not have any K Street law firms representing them. They just do not.

I was pleased, though, to see all these young people because perhaps they will rise up and go on. I think this is perhaps maybe becoming an issue that the young will take over and will really force those of us who are a little bit older to be much more sensitive on this issue.

Thank you very much.

Mr. LANTOS. Mr. Chairman, may I just echo your words of commendation and praise for both Congressman Wolf and my friend and neighbor from San Francisco, Congresswoman Pelosi? The two

of them have been stellar leaders of this all-important fight for human rights, and we are all deeply in your debt.

Mr. WOLF. Thank you.

Mr. SMITH. I would like to now recognize the gentlelady from California, Ms. Pelosi, for her comments.

All the statements in their entirety will be made a part of the record, but please proceed as you wish.

STATEMENT OF NANCY PELOSI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. PELOSI. Thank you, Mr. Chairman. Forgive my being late, but Mr. Wolf and I are now changing places. I was on the floor where we had a large number of "1 minutes" on this very same subject. I am very pleased to have the opportunity to speak with you today.

I come before you with a spirit of exhilaration over what happened in San Francisco over the weekend, following up on our colleague, Mr. Wolf's, last remark of the interest of young people in this issue. It was very remarkable.

Over 20 rock groups and musical artists participated and contributed their time to a 2-day Tibetan freedom concert to bring attention to the plight of the people of Tibet. Organized by the Milarepa Fund and the Beastie Boys, this concert was attended by over 100,000 young people, 100,000 young people who can take the message of Tibet to communities around the nation.

They heard from the monks. They heard from the Chinese Shen Tong. They heard a strong message about the need to focus on the violations of human rights in China and Tibet, and they heard what they have to do to help change our policy so that we can make a difference.

The energy and enthusiasm of the concert participants was inspiring and demonstrates that the fight for basic human rights is being taken up by the younger generation. The participants in the concert, like the pro-democracy activists in China, are the future. Our cause will ultimately prevail, but we must keep up the fight, as you know.

Mr. Chairman, I really appreciate the opportunity to testify before the subcommittee today, and I want to thank you so much for your extraordinary and relentless leadership on the issue of human rights in China and Tibet. I also thank my colleague in the representation of the city of San Francisco, Congressman Lantos. I know he shares my pride in what happened in the polo fields. I think it is actually in your district, Mr. Lantos. In any event, borderline.

You both have been wonderful, as have the other members of the committee, Mr. Moran and Mr. Salmon. Mr. Salmon, while we may always not agree on methods, I believe that our goals are similar, and we have not given up on you yet.

This hearing occurs at a crucial time. Mr. Moran has been a very articulate and shall we say inquisitive advocate in the past on this issue and has been supportive of promoting human rights in China and Tibet as well, so I feel very at ease before this distinguished panel.

This hearing comes at a crucial time. As you know, the MFN season is upon us. Since President Clinton delinked trade from human rights in 1994, the annual congressional debate over whether China should receive Most Favored Nation trade status has been our best opportunity and in fact our only forum for reviewing the state of the U.S./China relationship.

Human rights in China is and should be one of the cornerstones of this relationship. Today, you are providing the opportunity to revisit the human rights situation to ascertain if any progress has been made.

I can tell you without any doubt that the policy is not working. Indeed, the Clinton administration's own country report acknowledges that. According to the State Department's Annual Report on Human Rights Practices for 1995, as well as Amnesty International and Human Rights Watch, repression in China and Tibet continues.

The State Department's report, which is what I am going to quote, documents the failure of constructive engagement to improve human rights in China and notes that, and I quote, "The experience of China in the past few years demonstrates that while economic growth, trade and social mobility create an improved standard of living, they cannot by themselves bring about a greater respect for human rights in the absence of a willingness by political authorities to abide by fundamental international norms."

Today we hear comparatively little about those fighting for freedom in China and Tibet, not because they are all busy making money as some will contend, but because they have been exiled, imprisoned and otherwise silenced by China's Communist leaders.

According to the State Department's report once again, "by year's end almost all public dissent against the central authorities was silenced." Our great country cannot stand by while this exists.

I note, Mr. Chairman, that we have been over this ground a number of times, but I do want to mention the names of some of the dissidents who have been so courageous. Every chance I get I mention the names of the indomitable spirits of Wei Jingsheng, Bao Tong, Chen Ziming, Tong Yi and hundreds and thousands of others known and unknown who suffer under China's repressive regime.

I have told you about our concert. I have told you about the Clinton administration's own country report saying that economic reform has not led to political reform in China. I have the documentation of that if anyone wants to see the original of it.

There are many reasons to deny MFN to China. Some people think that we should not link human rights with trade. I disagree. However, even if you agreed with them, on the issue of trade alone, MFN should be denied because of the barriers to U.S. products going into China and the lack of reciprocity on the part of the Chinese. We give preferential trade treatment to one-third of China's exports, which flood our markets, and they allow into their marketplace only 2 percent of U.S. exports. Where is the reciprocity? Why Most Favored Nation status for them and trade barriers to the China market for us?

The issue of proliferation is another reason that would justify a no vote on MFN for China. It is so ironic, my colleagues, that today

in the Ways and Means Committee they are scheduled to mark up a bill to bring to the floor the MFN vote. They will probably vote unfavorably about it, but it is a privilege resolution. As you know, it must come to the floor.

That is happening in Ways and Means, while at the same time on the floor of the House we will be debating a bill which advocates a policy of the Administration and of the Congress to implement a secondary boycott against companies that do business with Iran in defiance of our boycott of Iran. That may be the appropriate way to go.

Why then, I ask you, is it appropriate for this Administration to turn a blind eye to the sale of nuclear, chemical and advanced missile technology from China to Iran? Why?

Our European allies say why are you doing a secondary boycott in the first place? I say if you are going to have a boycott of Iran and you think they are a rogue country and you are going to have a secondary boycott of companies doing business there, what then should be your option in dealing with the Chinese spread of weapons of mass destruction to Iran which is in turn proliferating those weapons and making the Middle East a more dangerous neighborhood?

We have too much invested in the Middle East. We have too much invested in nonproliferation. We have too much invested in our own national security. On the basis of human rights, on the basis of trade and on the basis of proliferation, on any one of those bases I believe that MFN for China should be denied.

The focus of this hearing is on human rights. To the extent that we can use the leverage of this great country to advance the principles on which we were founded, I commend you once again for calling attention to the egregious examples of violations of human rights and the repression in China. I know that His Holiness' representative will speak to what is currently happening in Tibet, and we are all appalled by it, as well as the continuing repression in China.

I just want to leave you with this one thought. One of the good things that I see happening now is when we had our vigil outside the Chinese Embassy a couple of weeks ago at the time of the anniversary of Tiananmen Square, we were joined by all different kinds of people and groups, including the Tibetans who joined with us.

At the concert in San Francisco when I was speaking with the monks about what is happening in Tibet, they said but we also must remember the violations of human rights in China.

I think that our coming together around this issue, especially the increased awareness among our young people, will create a drumbeat across America so when our colleagues take this vote, they will understand that they will have to answer for it not in the short run perhaps, but in the long run in terms of where were they when they could have helped improve promoting democratic freedoms throughout the world.

Thank you very much, Mr. Chairman and members of the committee, for allowing me to participate.

[The prepared statement of Ms. Pelosi appears in the appendix.]

Mr. SMITH. Thank you very much, Ms. Pelosi, for your very fine statement and for your great work on behalf of human rights, particularly in regard to China.

I think this again shows the best of a bipartisan effort to try to stand up for basic principles and for fundamental values, especially when they are so gravely threatened and actually harmed by our facilitation. I believe very strongly that things are actually getting worse because we are further empowering the police and the military to be repressive.

As is pointed out in Dr. Schulz' very strong testimony, the message is clear. Good trade relations in the midst of human rights violations is acceptable to the United States.

Human rights have not only been put on the back burner, they have been put in the cupboard. They have been thrown out of view. They are nowhere to be found, unfortunately, with this Administration.

Ms. Pelosi.

Ms. PELOSI. Further to your point, Mr. Chairman, which I think is an excellent one, when I talk about the trade imbalance and how much China makes from our trade—billions; this year they made $34,000,000,000 profit from our trade, and it will be larger for 1996—and the sale of the missiles and all the weapon technologies, this hard currency that the Chinese get through their trade and through their sale of missile technology consolidates the strength of the regime and enables them to continue to repress their people by strengthening the military.

I might add to that some of the illegal trade of smuggling guns into the United States, as we have a case before us in California at the present time, also enhances the financial situation of the regime, which enables them, of course, to maintain power and to continue their repression.

Thank you, Mr. Chairman.

Mr. LANTOS. May I raise a question of my friend and colleague?

First, I want to commend you for your usual outstanding statement.

Before you joined us, our colleague, Congressman Wolf, made reference to the fact that in last year's debate he took the position of giving the benefit of the doubt to the Chinese, assuming that if in fact we extend MFN treatment there will be an improvement in the performance of China with respect to human rights.

He expressed his bitter disappointment that in spite of this generous gesture that some of us did not agree with when we voted against granting MFN to China, the performance of the Chinese Government has deteriorated in this field.

I wonder if we could get you to be on record on this same issue? Given your general pattern of warmth and generosity, you went along with the notion that if we advance this goodwill, the Chinese will reciprocate. I would be grateful if you would tell us in retrospect what your judgment is on their performance?

Ms. PELOSI. If I may, I will be as brief as I can because I know we have many distinguished witnesses coming to the panel.

Mr. Lantos, since the Tiananmen Square massacre in June 1989, I have tried each year, working with many Members of Congress, to tailor a compromise resolution. At the beginning, we were pro-

tecting Chinese students in America. After that, we started with renewing MFN on condition of improvement of human rights in China, ending the proliferation and stopping the trade violations. That effort went on for awhile.

When the President delinked trade from human rights, we put a bill on the floor that called for increasing the tariff on products made by the Chinese military, in light of the smuggling of the guns into the United States. The smuggling is an everyday occurrence. I believe that everybody who should know did know that.

In any event, last year, in the interest again of trying to find a unified voice, because we thought that that was the most eloquent voice to send a message to the Chinese, we tried to come up with something that we could all agree to that, nonetheless, tried to advance some of our goals in terms of human rights, proliferation and trade.

Well, the Administration was really no assistance to us and in fact did not help us in the Senate. We ended up with no bill, even though we had a huge vote in the House of Representatives. Many of our Members were angry because of taking a new position just to create a framework for a diplomatic relationship between the United States and China.

We said at that time if the other side does not live up to its side of the bargain to advance this legislation so that we have something that we can all get behind, then next year we have no choice but to vote for complete revocation.

I do not know how much more evidence we need. I do not know how much longer the repression needs to continue, how many more people have to be sent to gulags, how much more education by execution has to continue in China.

The proliferation of weapons of mass destruction is such a compelling argument, as is the trade imbalance. The whole argument that this is about American jobs is nothing short of a hoax on the American worker because it is not about that. It is about profits for a few elite industries that China allows in. By and large, though, any other country with which we have a trade relationship of the size of the trade relationship with China, we have many more—over double—the number of jobs springing from that.

I think that it would be hard to defend a vote in favor of Most Favored Nation status for China in light of all of these issues, especially in light of all of our attempts at some compromise or some softer way of approaching it or some reaching for consensus. I think a word to the wise should be sufficient for us to learn our lesson.

Mr. LANTOS. I want to thank you for your comments. As I take it, you are suggesting that last year was the last victory of hope over experience, and we now have had a long enough period of unbroken experience with China's failure to live up to minimal standards.

Ms. PELOSI. Yes. You are always much more succinct than I, and I appreciate your framing it that way.

I will also add to that that the threat to the safety of the world, to our own national security, with China's proliferation, demands that we take a stronger position. If the Administration wants to look the other way or to say well, the government did not know

that a company was selling nuclear technology ring magnets to Pakistan, then how can we ever engage in an agreement with a country when we will not hold them responsible for the policy of proliferation?

I think our policy with any relationship is to make the world safer, the trade fairer and the political climate freer. Our policy now with China does not do that. I think engagement is important. I do not think the engagement that we have now can in any stretch of the imagination be called constructive.

Mr. LANTOS. Thank you very much.

Mr. SMITH. Mr. Moran.

Mr. MORAN. Thank you, Mr. Chairman.

I think you have gotten all the arguments in favor of denying MFN status on the record. While I have a number of ambivalent feelings about this issue, as you are aware, Ms. Pelosi, let me take the devil's advocate view to try to be constructive and put some balance into the hearing.

I do not disagree with any of the reasoning, your motivation, for your position. In fact, I sponsored someone into the United States, a young Chinese man, who we felt was endangered because of his participation in the Tiananmen massacre. I was very much moved by that documentary that was put together on the Tiananmen massacre. I assume you saw that. I thought that was very well done.

My concern, though, is whether we are biting off our nose to spite our face. There must be a better phrase than that, but I am just not sure that this is the most appropriate, constructive way to achieve our objectives, which is human rights and democracy ultimately in some form of world free enterprise in China.

As you are aware, there are two camps in China; you can almost say the old line versus the new line. Clearly in the long run, it is the new line, the people who have been exposed to western ideals and who in many ways were supportive of the Tiananmen demonstration, who are going to prevail over the long run, I think.

Ms. PELOSI. I hope you are right.

Mr. MORAN. Well, I know, and we both do clearly. It would seem that we want to do whatever we can to enhance their position.

My concern is that we may very well be enhancing Li Peng's position when we withdraw because he is almost in a position of saying see, I told you so. I think that he and his immediate supporters would be just as happy to withdraw from the rest of the world.

They are not the ones getting the major benefit from international trade. It is those provinces who have really been rogue provinces from their perspective who are developing rapidly and who are becoming much more familiar with our ideals and who understand exactly why we are debating this issue.

I am not sure that the top leadership in China even understands this. They look at it from a different perspective, and I wonder if we do not confirm all their assumptions if we were to deny MFN status.

The major problem I have with MFN status is it is not Most Favored Nation status. It really ought to be least favored nation or unfavored nation because everybody else gets it. I think the American public thinks we are granting something extraordinary and

that this is the best thing we can do for a country when all it is is the normal status. It is out of the ordinary to deny this status.

We ought to rename it and then pick the few countries that should get Least Favored Nation status. We would be doing that with China. We would be picking China out and distinguishing them from other countries that we have a lot of problems with in denying them this status.

We would also be seriously undermining Hong Kong and Taiwan. Much of our trade, as you know, goes through Hong Kong and Taiwan. They are going to have some very serious economic problems if we withdraw MFN status because it raises the tariffs. In some cases I guess it will be as much as 40 percent.

Effectively it is prohibitive in terms of continued dealing with mainland China, which means that much of the economy of Taiwan and Hong Kong is going to be jeopardized. They have been doing very well. They are a model. They are our closest models to what the United States wants that is in clear sight of mainland China. They do not seem to want us to deny MFN status because they see what is happening, and they know they have a lot at stake. They have come a long, long way.

In fact, speaking of coming a long, long way, in the last 20 years since we have engaged China, there really has been tremendous progress. I grant you, all of these things I am sure are true that you and Frank have referred to. On the other hand, if we had denied MFN status, I do not think we would ever even know about it because we would not have that communication. We would not have that exposure to what is going on in China.

I think in the long run, while it may not influence people like Li Peng, I do think it influences a lot of the people that ultimately are going to control the destiny of China.

At this point, I am inclined to support the White House——

Ms. PELOSI. Not you?

Mr. MORAN [continuing]. and a lot of people on both sides because I think that it is the best, although difficult, decision to make in dealing with a very complex situation.

I think in the long run, our interests and those of the vast majority of the population of China, which I know is what you are interested in, are going to be better served by engagement rather than withdrawal.

Ms. PELOSI. May I respond?

Mr. MORAN. I assumed you would like to respond to that.

Ms. PELOSI. The gentleman is a wonderful devil's advocate, and he is aptly named in this case. You have laid some very important questions on the table.

I look behind me because I see such a distinguished array of witnesses who know so much more about this issue than I. I will try to be brief because I believe in their testimony that they will speak with much more authority on it. You might not be here then, so I am going to——

Mr. MORAN. No. Unfortunately, I have to go speak on an item that is on the floor right now.

Mr. SMITH. We will be here when you are done.

Ms. PELOSI. Here is what I would like to tell you, and I am going to try to do these at a clip because you covered so many issues. To

the extent that you would like to engage on them, that will come through.

First of all, let us just talk about, for a moment, Most Favored Nation status. The President must request a special waiver for China, so it is not any automatic thing because China is a centralized economy. That is what our law says on a centralized economy, that the President must request a special waiver which subjects that trade to scrutiny.

Mr. MORAN. For the record, though, Congresswoman Pelosi, is it not true that this is the trade status that we have with the vast majority of the nations around the world?

Ms. PELOSI. It is, but, nonetheless, we did not bring up this subject. The President must request the waiver because our law does not allow it to a centralized economy.

It might be interesting to note that this Administration, very quietly at the beginning of this year, agreed to World Trade Organization tariffs for China which are lower than MFN. China enjoys tariffs lower than MFN.

They are not even a member of WTO. They have none of the responsibility. They have not met any of the criteria for membership, but we have granted them WTO tariffs. They are indeed getting a free ride in terms of what we call things and what they are. They are getting a better deal than Most Favored Nation status with none of the responsibility.

Regarding the issue of Li Peng not benefiting, I take issue with that. The regime benefits in two ways. First of all, they benefit from the hard currency created by a trade surplus, which with our country is $34,000,000,000, almost $35,000,000,000 this year. This does not count the revenue from smuggling AK–47's into the United States, it does not count the illegal stuff and does not count the ripping off of our intellectual property. Just the straight trade deficit is $34,000,000,000.

That hard currency plus the hard currency they get from trading all the technology consolidates them in power in two ways. First, they have the hard currency and, second, it keeps people at work in China. That is what they need.

That is why the debate on MFN gives us leverage. Revocation of MFN is not a goal. It is not a thing where you say I am going to work my heart out so we can have revocation of MFN as a goal. It is a tactic, and it is a tactic for us to use our leverage.

I have no illusions or delusions that this Congress would override a Presidential veto of the President's request for special waiver. We deny it. He would veto it. We cannot override it. It is not going to happen, but it is going to be a source of leverage to the extent that we can say the status quo of repression, of proliferation and of abuse of our trade relationship is not something that we will accept.

Engagement is a two-way street, and so far it has been a one-way street with us giving concession after concession to the Chinese that they have not given in return. In all fairness to our President, and I am critical of his policy, he has tried to engage the Chinese. They know that the business community will weigh in, and their position will prevail.

What the Chinese leaders do need is for one-third of their exports to come into our market. That is essential to keeping tens of millions of Chinese people at work and the hard currency that they get in return.

In terms of the progress they have made in the last 20 years, I think that the more appropriate comparison may be the progress they have made since people started speaking out for democracy. Indeed, those people are largely in jail, in exile or silenced, and their families are suffering greatly. The idea that this is leading to political reform can only happen if it is allowed to happen. It is not being allowed to happen.

If I may address the two camps issue, there were two camps at one point right after Tiananmen Square. There was the hard line, and then within the regime there were those who took a less hard line approach.

We had an opportunity to side with the moderates in the regime at the time of the President's Executive Order. It was not everything we wanted, but it was a compromise. We all got behind it, and then the President walked away from it. That moment where we had a chance to give leverage to the moderates within the regime was a lost opportunity for us.

I think you have an optimistic view if you think it is just between the hard liners and the pro-democratic forces because the people in China are at the mercy of the regime. Their information by and large is at the mercy of the regime. Sure, we have the Internet and this and that, but they also have censorship.

The message that the people in China are getting from the regime is the United States sent aircraft carriers into the Taiwan Straits. We did not, but that is the message. You know what the issue of Taiwan is. There is a propaganda campaign about that from early childhood in China about what Taiwan is. They are feeding an anti-American message to the Chinese people. You have people coming out of the cultural revolution who are young, but are more hard line.

I think that the situation is much more complex than just the two sides. Again, I do not speak with authority on that subject. I just say that our real opportunity for leverage to give strength to the moderates was a missed opportunity. We could recapture it by a good, substantial vote in the Congress to say the status quo is not acceptable.

You are right when you say that Hong Kong and Taiwan depend on MFN, but what I am saying back to you is if the Chinese knew that MFN was at risk, if they really believed that it was at risk, they would have to make some concessions because they have too much at stake with millions of people whose jobs depend on the exporting of their products to the United States.

It amuses me when people say oh, they will just find other markets. For one-third of their exports? They are going to find other markets for one-third of their exports? One-third and growing. One-third is a conservative figure.

The point is about leverage. MFN, as I say, is not a goal. It is a point of leverage. I believe the minute they thought that it was really at risk we would see some concessions made because they need it a great deal. Others may differ. That is my view.

In terms of Hong Kong and Taiwan, I think at the very least this Congress of the United States should make every effort possible to preserve democratic freedoms where they exist in China.

Of course, we were all appalled by the intimidation of the electoral process in Taiwan with the launching of live ammunition toward the island of Taiwan, and right now we see the diminishing of democratic freedoms in Hong Kong by China's announcement that they will not respect the elected legislature.

While those people in Hong Kong and Taiwan could never support revocation of MFN, they certainly want us to use whatever leverage we have in order to support democratic freedom.

If you have a better way, I do not think that the President's policy is the better way. It has not worked, by their own admission. By their own admission, it has not worked. I say it behooves those who reject our path to come up with another way to promote democratic freedoms, to make the trade balance fairer and to make the world safer by stopping the proliferation.

Mr. MORAN. I thank you, Ms. Pelosi.

I think some moderate progress may be better than no progress, but I understand——

Ms. PELOSI. What is the progress?

Mr. MORAN. It has been what you would like to see is the kind of, if not perfect, substantial progress. I think that we have seen progress in a number of the provinces throughout China in both information that is available to them and greater participation and the like.

I am not going to engage you in a debate out of——

Ms. PELOSI. If I may just make a point on that? I think you would be interested.

There are some people in the Congress and in the community that support this who would like to see MFN considered on a province by province basis. Maybe you just select one province and say they have done a good job. We will give them MFN. Another one has been the most egregious violator of trade, human rights and proliferation. Maybe withhold it from that province.

I just put that on the table because I think the gentleman's point is well taken.

Mr. MORAN. But I do not think that that makes a lot of sense to go on a province by province basis. I think it is unworkable when goods are so fluid and mobile. That could too easily be manipulated. I do not think it is administratively possible.

I am not going to engage you in a debate out of respect for the agenda and schedule of the committee. I will say obviously that you make a very persuasive and impassioned case for denying MFN status, but I personally do believe that there has been significant progress.

I know that China is substantially less repressive today than it was 20 years ago. It is far more aware of alternatives to a State-controlled economy. It understands how free enterprise works. It knows what democracy is all about, even though it does not practice it.

I think it is far more aware of what we consider to be basic human rights than it ever would have been had we not engaged

in a policy of economic trade with China. I think it has worked, but it has not been nearly as successful as we would have hoped.

I understand where you are coming from. I do not take issue with your motivation. I admire it. With that, I will give the time back to the Chairman. I appreciate your coming to testify and appreciate the Chairman having a hearing on this subject.

Mr. SMITH. Thank you very much, Mr. Moran and Ms. Pelosi.

I want to respond. Rather than progress, the uniform opinion of the human rights community is that there has been regression. There has not been progress. As a matter of fact, the dictatorship has been empowered by the technology transfers, the money, and the hard currency, as you pointed out.

With all due respect to my good friend, I think the Communist dictatorship has become more sophisticated in its repression. They know how to hide the bodies better, if you will.

They have since 1979 embarked on the most brutal exploitation of women the world has ever seen—as part of their one-child-per-couple policy—with the pervasive use of forced abortion, which was deemed to be a crime against humanity at the Nuremberg war crimes tribunal. The Chinese Government has imposed that upon its own people. They have killed many children at the ninth month and even at birth.

In Tibet and elsewhere they inject the child with a shot of formaldehyde or some other poison into the cranium to kill the baby, lest another useful eater, to use a Nazi phrase, come into this world.

The one-child-per-couple policy has been in place since 1979 and has gotten worse. In the last couple of years they have been following eugenics policy, as the gentleman may be aware. Children who are born with some anomaly like Down's Syndrome are singled out, because of their anomaly, for extermination.

The Laogai has also, I would just say to my good friend, proliferated in its use, very often with connections to the Chinese military. I have challenged our business community over and over again, face to face in the U.S. Chamber of Commerce in Beijing and others that I have met with. Know the source of your products. Go to the place.

Do not go in an unsophisticated way, not knowing what you are looking at. Talk to the people like Harry Wu and others who know what to look for and whether or not your products are being produced through prison labor, which so many of them are.

In addition, religious freedom has taken a turn for the worse. Two weeks after I visited with Li Peng in 1994 when I was in Beijing—I visited with him a couple of years prior to that—he issued two new decrees that cracked down on the Christian house church movement, which was growing, as well as on the Catholic church.

The impunity with which the Public Security Police cracked down on Christians, as they have been doing with the Buddhists in Tibet, was unconscionable. It has gotten worse, we would argue. The evidence is there to suggest that nobody is exaggerating even in the slightest fashion.

I would just pose this question: Is there any limit? Is there any ceiling of abuses or categories of abuses that gets to the point

where we will no longer trade? For example, when Hong Kong reverts back to the PRC and those freedoms are crushed, first perhaps in a more sophisticated way and then followed with a more brutal crackdown if people resist or perhaps in Taiwan, when do we say enough is enough?

It seems the abuses proliferate, and we say, "Well, gee whiz. What are we going to do about it?" We are saying, as you pointed out, Ms. Pelosi, and I think the record should reflect that China rose from being the seventieth, seven zero, largest deficit trading partner to the United States in 1985 to the second largest in 1991 after Japan.

In 1985, Chinese exports to the United States were $3,862,000,000. Now the exports are $45,000,000,000. Where are they going to find those markets elsewhere? They are not going to find them. We have real leverage, and we are squandering it.

Ms. PELOSI. The gentleman is correct. I agree. I do not know where the limit is. I thought we had seen it several times. I think it is a moving line.

I remember asking a representative of the Administration in this very room if I had asked you 1 year ago if China were lobbing missiles with live ammunition toward the island of Taiwan would that trigger the Taiwan Relations Act. The gentleman responded by saying well, I must admit that we have a moving standard because it certainly is true.

Nonetheless, the fight for and struggle for human rights and prodemocratic reform is a long one, and I know that it will take us awhile.

I want the record to show that I am not for isolating China or waiting for a democratic government to be formed there. We are talking about promoting democratic freedoms.

Mr. SMITH. Mr. Salmon.

Mr. SALMON. Thank you, Mr. Chairman.

You know, I think there are few people not only in Congress, but in the world, that would parallel the commitment that you have, Representative Pelosi, or you, Representative Smith, or Representative Wolf or any of the people that have been such warriors when it comes to the human rights issue.

In fact, I would agree completely with the Chairman that the situation in China is deplorable, the situation of their forced abortion policies, the sale of organ transplants. We could go through the whole litany of things that I think would nauseate and sadden most Americans were they made as public as they have been to Members of Congress. Those things truly are deplorable.

I was really encouraged, Representative Pelosi, at some comments that you just made because I think that sometimes we take our eye off the ball. I remember when I started Little League, my dad just kept telling me keep your eye on the ball. Keep your eye on the ball when that first pitch came across the plate. I remember coaches giving me the same advice. Frankly, I think I did OK in baseball. When it comes to golf, I am not so good at keeping my eye on the ball.

However, the ball or the objectives are an improved human rights situation in China—that is one of the objectives—the stopping of nuclear arms sales from China to countries like Iran and

Pakistan and the nuclear proliferation that has gone on in China, the resolution of the intellectual property rights issue where every day pirates in China are stealing American technologies and selling them on the open market, the smooth merger of a free and open democratic society of Hong Kong with the People's Republic of China in 1997 and the recognition that their legislative council elected by the people should stand as it stands now and their declaration of their bill of rights stand open and free as it has, improved relations with Taiwan, and, finally, the shrinking of the $34,000,000,000 deficit. Those are the ball. Those are the objectives.

The objective, as you stated, is not the revocation of Most Favored Nation status, which is the same trading status that we employ with almost every other nation in the world. That is the ball, and you have said if there is another tactic that we can employ then we should explore those opportunities.

I think it is kind of sad that in Congress since I have been here my short year and a half now that all too often when we get into debates on issues, some characterize the tactics as the end-all to the problem itself. I am encouraged that you are not taking that kind of a tact.

I get discouraged when I see people challenging motives of one another when a person takes a position—obviously if you voted such and such, you do not care about the environment or you do not care about children—when simply we have different ways of getting to the end objective.

I do not think that there is anybody that cares more about the issues, the balls, that I mentioned than you or Representative Smith. There are a lot of us who care equally about those issues, but we do not necessarily want to employ the same tactic because we are not sure that that will work. You use good anecdotal evidence that over the last years we have employed MFN, that we have employed a constructive engagement with the Chinese, and it has been to no avail.

I think there have been some other problems as well. I think that one of the other problems is the whole China policy in general. The President calls it strategic ambiguity. That came to light during the Taiwan Missile Crisis in the Taiwan Strait. That is a problem in and of itself.

We have not been forthright. We have not been clear. We have not effectively delineated what our values are, what those lines are that cannot be crossed. We have not effectively articulated those things that we care deeply about, and yet we hope that magically it will change.

I served a mission for my church in Taiwan about 20 years ago, and I saw some interesting parallels. In fact, when I was in Taiwan, it was not the free and open democratic society that it is now; in fact, just the opposite. Picture, if you will, the John Birch Society in control of a government. That is what it was.

Back then, Taiwan was not a free and open society. There was not freedom of religion. There was not freedom of the press. There was not freedom of speech. Those things were something that would come much later. The thing that sparked those things was economic reform the Chinese in Taiwan pursued vigorously.

You know, having gotten to know a lot of the Chinese over there that escaped from Mao and watched their families killed before their eyes, human rights has been in a state of terrible consequences for a lot of years in China. Things have not improved. They have not improved.

The thing that I note are some of the differences in our philosophy here in the western world and their philosophy over there is No. 1, the Chinese think in terms of decades and hundreds of years, where we tend to think in terms of months and sometimes years. The fact is, they have a 5,000-year history. We have a 200-year history in this country. We tend to think of success or lack of success in very short terms. We want it today. We want it tomorrow.

I do not believe that we should sit by while the cries of people over there languishing in prisons are unheard. I do not think they should go unheard. I do not think that we should just look the other way. I think that we should be very vocal, and I think that we should follow your lead, the things that you have done, in decrying these horrors.

However, I have to question if we revoke MFN, if this year we revoke it, and let's say for the sake of hypothetical argument that the President does not veto it, that somehow magically he comes around to Congress' way of thinking. Let's say for the sake of argument that he does. Let's say that he does, and let's say that we revoke MFN. Then what?

Do we really believe that the leaders in China are more fearful of the almighty dollar, which is all we think about here in the West? Do we really think that they are more fearful of losing that dollar than they are the power and control that they exert over the people there?

Do we think that magically if we revoke MFN that then they are just going to cower and say well, we are afraid of the United States? They have pulled away a great source of the people's income over here. We are now going to go the other way. We are going to improve all of these things. We are going to bow down to the needs or the wants of the United States.

I do not know that that is necessarily true. I will speculate for a minute what I think would happen if we revoked MFN. I think there would be an ensuing trade war, that our tariffs would rise on their imports, their tariffs would rise on our imports, that probably the next thing that would happen is the U.S. companies that do business over there would evaporate. They would leave China.

Is it possible that with those deteriorated trade relationships that that government, who understands raw power and raw power alone, that that government and those leaders over there then would disengage the diplomatic relations that we have had for some 20 to 30 years with China?

What would be the possible next result? Could it be a cold war such as we had with Russia? Is that really what we want? Finally, I would ask if those are the issues that we really care about, and there are people in this Congress that really care deeply about all of those issues and want them to improve, but do not necessarily agree with the tactics that you suggest. Is it possible then that the very things that we care about will be harmed and deteriorated?

If you ask Martin Lee, who probably has more of an ax to grind than any of us do, who looks at the prospect of his political party being evaporated from the legislative council and the bill of rights that he worked so hard to protect being taken away from Hong Kong, he advocates for continued MFN.

Wei Jingsheng himself, who many of us believe should be getting the Nobel Prize, also in his legal briefs advocated that MFN should be continued, as do most of the dissidents that still languish in Chinese prisons.

What would be the end result? Would it be a breakdown of communications? Would we really be able to articulate our values if we are not at the table to articulate those values any more?

Finally, I would just say has there ever been any relationship of anybody out there—anybody—that has ever been improved upon where you have effectively communicated your values with that party by walking away from the table?

Those are the questions that I ask.

Ms. PELOSI. Again in the interest of time, because we have some very expert witnesses here, and Dr. Harry Wu will address your point about Wei Jingsheng and what he actually said and what the context of it was, but to get to some of your largest issues, first of all, I want to just speak to you generally.

I accept in the spirit of which it is extended your kind remarks about the motivation of some of us who are involved in this issue. It is not only about the motivation. It is about the practicalities of it.

The reason we did not stand by our statement that we would change our target, condition, renewal or whatever it is on MFN to China had nothing to do with what you just said. It had everything to do with big business, the few elite industries in the United States, weighing in with the Administration to change the policy. It had nothing to do with this being a better way to improve human rights.

Your point about Taiwan is, of course, very well taken. The political reforms came along after the economic reforms. In a country of 19,000,000 or 20,000,000 people, the growth of the middle class can have that kind of an impact on a country if it is allowed to. The leadership decides that they want that to happen.

In a country of 1,200,000,000 people, the size of the middle class has less of an impact. Even if you are talking about 100,000,000 people you still have 1,100,000,000 people outside the description of middle class, therefore, having less of an impact to change the political situation in a country, especially when the government decides that that is not going to happen.

On the question of 5,000 years versus 200. Our traditions are thousands of years old, too, about democracy and the equality of people. Although our country is only a little over 200 years, it is the same exuberance that this country has that has saved the world in World War I, in World War II, in the cold war and every skirmish in between.

It is not to our disadvantage that we are young. It is our strength that we are young and diverse and that we are committed to our ideals, that we are close to our founding, which is based on

principles of which you are a great proponent and articulate spokesperson, so I do not even have to mention them to you.

It is not a question of our timing versus their timing. We are talking about the timing of the people in China. China has a Constitution. If the Chinese Government would only honor its own Constitution, these dissidents would be better off.

China has signed the U.N. Declaration of Human Rights. If it would abide by that participation and its statement there, the people in China would be better off. Even if they just keep it to China's own Constitution. The Chinese Constitution gives more rights to its people than the government allows the people to have.

I do not think we should be saying it is going to take another 1,000 years for China to be ready for democracy. I do not know if that is what you intended. I hope not, because I think that that, with all due respect, is a bit condescending to the Chinese people.

I wish I had brought for you here the writings of Wei Jingsheng, which so mirror the writings of Thomas Jefferson and our founding fathers. He is a true heir of the founding fathers of America.

When we talk about well, if the President would sign it, first of all, the President is not going to sign it. We have to live in the real world that we are in. This is the President's policy. He is not going to sign a bill revoking MFN. The opposite message is sent if we say no, we are not going to use economic sanctions.

Martin Lee is a great hero of democracy in the world. Many of the people that have been mentioned here today are. They all, and I will take the risk of speaking for them, support some kind of economic sanctions with China. Most Favored Nation status may not be the one in particular, but we have tried everything. World Bank loans. We have tried the Export-Import Bank. You name it. We have tried everything. You start with a feather, I always say, and hopefully you do not have to get too much farther along in terms of what tactic you have to use to deliver the message.

Make no mistake. The Chinese regime needs to keep its people employed. That is what the U.S. market means to them. Quite frankly, the regime in Beijing owes a great debt of gratitude to the United States of America because the access to our market has fueled their economic reform. We want it to happen. It is in everyone's interest.

Nonetheless, for all these European countries who say do not talk about intellectual property, do not talk about human rights, do not talk about this or that, I do not see one-third of China's products going into their countries and I do not see them with great imbalances in their trade.

We have given a great deal in terms of our markets to the Chinese to help effect this economic reform. As I say, I do not believe in isolating China. I come from a district where the Chinese-American community makes up over one-quarter of my district. I am truly blessed by that.

I believe we will have a brilliant future with China economically, politically and in every respect—culturally, diplomatically—but it will not happen if we turn a blind eye to proliferation and to human rights violations.

Again, as I say, the trade issue is a whole other discussion. It is not to our advantage, but is to their advantage. That is our gift to them.

If the Chinese believed that MFN was at risk or if they saw a strong vote, not even a victorious vote but a strong vote, in the Congress that said the status quo is not acceptable, then I think that you would see some places where the more moderate people in the regime would say this does mean something to them.

Right now, they are going by the book, the Book of Mao, which says the United States is a paper tiger, and they will do what the capitalists, the businesses, want them to do. I think they use some language like capitalists, but what the businesses want them to do. They have been proven right.

Mr. SMITH. I would like to invite the gentlelady, if you would like, to join us on the panel.

Ms. PELOSI. You are very nice. Thank you. I know that we all have a lot of other work to get done today.

I thank the gentleman for his time and Mr. Salmon for his questions and his sincere interest in all of these issues. Thank you, Mr. Chairman.

Mr. SMITH. I want to thank the gentlelady for her outstanding testimony and for providing answers to a number of the substantive questions proposed by my good friend, Mr. Salmon.

Ms. PELOSI. Thank you.

Mr. SMITH. I would like to invite our second panel to the witness table.

Dr. William Schulz is the executive director of Amnesty International USA, a position to which he rose after serving for 15 years, eight of those as president, in the Unitarian Universalist Association of Congregations.

In 1991, he led the first visit by a U.S. Member of Congress to the post Ceausescu Romania—as a matter of fact, I followed that trip by about 2 weeks—into Bucharest. He has also worked toward ending communal violence in India and has led fact-finding missions to the Middle East and to northern Ireland.

Nina Shea, an international lawyer for 17 years, is actively involved in monitoring religious persecution throughout Asia through her work as program director of Freedom House's Puebla Program on Religious Freedom. She is a widely published scholar in the field of religious freedom and human rights.

Ms. Shea has been an organizer and participant in human rights fact findings missions in Chile, El Salvador, Cuba, Haiti, Nicaragua, Sudan, China, Nepal and elsewhere. In 1993, she received an appointment by the Clinton administration to serve on the United Nations Commission on Human Rights.

James V. Feinerman is a professor of law at Georgetown University Law Center, teaching comparative and international law and specializing in Chinese and Japanese law, as well as corporate law.

From 1982 until 1983, Mr. Feinerman was a Fulbright lecturer on law at Peking University. He has also served as the administrative director of Harvard Law School's East Asian Legal Studies Program, was Fulbright researcher in the law faculty of Kyoto University, and held a Fellowship at the Woodrow Wilson International Center for Scholars.

Mike Jendrzejczyk is the Washington director of Human Rights Watch Asia. Prior to his position at Human Rights/Asia, he worked on the staff of the International Secretariat of Amnesty International in London. He was also the campaign director for Amnesty International USA in New York and has had numerous articles published on human rights issues.

Lodi Gyari and his family fled their native Tibet for exile in India in 1959. Upon learning English, he became active in the movement to publicize Tibet's struggle to the world. Currently, Mr. Gyari acts as Cabinet advisor, special envoy for His Holiness the Dalai Lama at the United Nations and to Washington, DC, and is president of the International Campaign for Tibet.

Dr. Schulz, if you could begin.

STATEMENT OF WILLIAM F. SCHULZ, EXECUTIVE DIRECTOR, AMNESTY INTERNATIONAL USA

Dr. SCHULZ. Mr. Chairman, thank you very much for the opportunity to testify here. It is a great honor for me to be in the distinguished company of this panel.

Amnesty is very concerned about the message that the United States sends to China on human rights. We are deeply troubled by the fact that the human rights situation in China has deteriorated during the past 2 years.

To speak to an earlier point of one of your colleagues, Mr. Chairman, while there may be some improvements that can be pointed to in China over the last 20 years, certainly over the last 10 years, which you have cited as a critical period in terms of economic relations, that could definitely not be said.

More specifically with regard to the last 2 years since the delinkage of trade and human rights, the human rights situation in China has worsened in at least four respects that I will cite, and I am sure that many others on the panel will cite other respects.

The use of the death penalty in China has increased substantially both in the number of executions and in the number of crimes punishable by the death penalty. Political repression has increased. Virtually all human rights activists, pro-democracy activists, are now in detention or in round-the-clock surveillance.

Since a July, 1994, government meeting on the problem of so-called social stability in Tibet, we have seen an increase there in arrests, in 15- and 20-year sentences, in torture and in executions, and there has been a bloody crackdown on Muslims in Xinjiang in northwest China.

Our comprehensive report issued in March entitled "No One Is Safe" details the abuses, including the political imprisonment, long term imprisonment and incommunicado detention, unfair trials, detention without trial, administrative detention, torture, beatings and harassment in retaliation for exposure of official corruption, withholding of medical treatment from political prisoners, forced abortions and sterilizations, attacks on Christians' houses and villages, wide-scale use of forced labor, including punishment for failure to complete production quotas in labor camps, detention of political prisoners in psychiatric hospitals, mass executions—more than 600 executions have been recorded in the current crackdown

on crime alone—as well as the harvest and sale of organs from executed prisoners. The list goes on.

Mr. Chairman, we have also just issued a new report entitled "China: Repression In The 1990's, A Directory of Victims", which lists by name nearly 2,000 Chinese prisoners of conscience and others suffering unjust attention or severe harassment.

The targets of political repression and arbitrary use of criminal law include pro-democracy political dissidents, human rights defenders, worker and labor rights activists, peasants who protest official malfeasance, Tibetans, Muslim ethnic groups in areas of northwest China, religious secret societies and Protestants, Catholics and Buddhists who attempt to worship outside the government-sanctioned churches.

This litany of abuses and victims is brought about by the arbitrary use and abuse of the law. The obedience of the judiciary and the penal system to the political directives of government officials clearly poses a major threat to human rights.

Permit me to point out that it also constitutes a major threat for the development and growth of a sound and safe business environment, which is certainly another goal of U.S. foreign policy.

Now, after years of debate in which the annual U.S. decision on MFN status for China was cast as a tradeoff between trade and human rights, the explicit delinking of MFN from human rights in 1994 was inevitably perceived as a decision to bolster trade and ignore human rights.

While stepped up efforts in other areas of U.S. foreign policy to promote and protect human rights in China might have theoretically maintained or even strengthened the U.S. stand on human rights, in fact we have seen very little from the Administration at all.

Two years ago, the Administration committed itself to 11 new initiatives in U.S. human rights policy towards China. This was just after the President's speech announcing the delinkage. The commitment was that in light of the delinkage, the Administration would pursue these 11 points.

Now, it would be generous to say, Mr. Chairman, that perhaps one of those 11 points may have been implemented in the last 2 years. We are pleased to note that Radio Free Asia has finally begun preparations for broadcasting to bring truthful information and hope to repressed people in Asia and has, for example, hired a Tibetan language programmer from Tibet.

Other than this initiative to promote human rights in China by expanding Chinese and Tibetan language programming, which also has resulted in expanded Tibetan language programming on the Voice of America, other than this one point of those 11, not one of these initiatives has led to any concrete results.

In many cases, the effort has simply not even been made. Even when the effort was made, such as to develop a set of voluntary principles for U.S. businesses operating in China, the overall impact of such moves is simply unequal to the task of sending a clear, consistent principled message to the Chinese Government.

This is not all that surprising, of course, when you remember that when President Clinton met with President Jiang Zemin in New York a few months ago, President Jiang Zemin objected to

meeting at the New York Public Library because there was a picture of Tiananmen Square on display there. Even over that small symbolic point, President Clinton allowed the location of the meeting to be changed.

When the United States goes down to the wire, as we have just seen in negotiating trade agreements, when it threatens real sanctions for intellectual piracy but fails to follow through on its own stated human rights policy, it is no wonder that the Chinese Government feels that they can ignore the United States.

I noted in the New York Times this morning that Ms. Barshevsky, the acting U.S. trade representative, defined engagement. She said what engagement means is that we do not avoid our differences, but we work together constructively. That seems to be true with regard to intellectual piracy. It is not at all true with regard to human rights.

Indeed, it seems to us that the United States has now appeared at least to put a particular price on a Chinese life. Amnesty International has documented that last year at least 2,190 death sentences were carried out in China. At least 2,678 people are prisoners of conscience, and we estimate that as many as 1,000,000 are under administrative detention at any one time.

Now, the Commerce Department has said that its efforts to protect intellectual piracy is an effort to protect approximately 200,000,000 CD's and CD-ROM's. If we are protecting 200,000,000 CD's and CD-ROM's, but have not been able to speak up on behalf of close to 1,000,000 Chinese, it seems quite clear that the U.S. Government is at least making the appearance of believing that one Chinese life is worth less than 20 CD's or CD-ROM's. At $9.95 apiece, it means that the U.S. Government appears at least to be saying that one Chinese life is worth less than $199.

The impact of U.S. inconsistency on human rights, Mr. Chairman, also has a terrible impact on our credibility around the world. We have already seen human rights violators from far afield taking their cues from a perceived U.S. abandonment of the issue of human rights in China.

Here is a powerful example. The Nigerian Government is notorious for its high dollar public relations campaign in the United States, particularly its use of full-page advertisements implying widespread support for the current dictatorship.

One eight-page color advertising insert that ran in 200 African-American newspapers in the United States contained the following statement attributed to an American editor who felt that Nigeria was being singled out for unfair criticism: "You have China, which has committed some of the worst human atrocities in the world, and there are no sanctions against that country."

The Nigerian Government we see has jumped to take advantage of a perceived lack of U.S. interest in human rights in China. It will not be much longer, we predict, before other countries who also have high-priced PR firms will turn this perception into a powerful weapon to defend themselves against criticism.

Finally and in closing, Mr. Chairman, Amnesty makes the following recommendations. The United States should definitely continue its efforts at the United Nations. We saw that we suffered a setback in Geneva at the Human Rights Commission in March this

year. It is especially important that we not give up next year. To abandon the effort would be to signal further to China that the United States has joined the European Union and caved in to the lure of trade contracts.

Second, the United States should pursue China's compliance with its international obligations on human rights just as vigorously as it pursues compliance with trade agreements and with intellectual piracy issues. The U.S. Government must raise the visibility of its concerns about human rights in China.

Finally, the United States should actively pursue substantive results through the President's 1994 proposed 11 initiatives or other alternatives, as simple and as expedient as substantial funding for radio, for human rights education, for torture rehabilitation, for continued training of INS asylum officers, for NGO lobbying of U.N. human rights bodies, Chinese legal reform and legislative reform, scholarships for law students and reformers, judicial training, and a host of other substantive initiatives. All of this would be tremendously helpful.

Thank you, Mr. Chairman.

[The prepared statement of Dr. Schulz appears in the appendix.]

Mr. SMITH. Dr. Schulz, thank you very much for your testimony.

Ms. Shea.

STATEMENT OF NINA SHEA, PROGRAM DIRECTOR, PUEBLA PROGRAM ON RELIGIOUS FREEDOM, FREEDOM HOUSE

Ms. SHEA. Thank you, Mr. Chairman. Thank you for holding these hearings and for your own personal unflagging concern for human rights and in particular for religious freedom in China.

Today I will be speaking on behalf of Freedom House about religious repression of Christians in China. We do not as a matter of policy take a position on Most Favored Nation trade status. However, we do have some suggestions at the end of this testimony for measures to take to open China up democratically.

Mr. Chairman, while virtually all independent groups experience repression in China, Christians, that is Protestants, Evangelicals and Catholics, are the single group within China proper—and that is excluding Tibet which has suffered terribly—who have suffered the greatest deterioration with respect to their human rights over the past year.

This new crackdown against independent religious expression was discernable late last year and continues to the present. The government has expressed a new resolve and adopted harsher and more systematic tactics to carry this policy forward. Here I am talking about those independent Christians worshiping outside of government-controlled, Communist-controlled churches.

Even the Pope singled out China, one of two countries, by name at the beginning of this year in his New Year's address to the Diplomatic Corps to express his condemnation of the turn of events and religious repression in China.

I think a good example is apparent from the June 6 issue of the Far Eastern Economic Review, which has a cover article on the growth of religion in China. They point out that even though there are restrictions, Christianity is growing astronomically.

They give an example that I thought was very revealing. They talk about a procession and a major Feast Day in China last May, 1995 involving a diocese where you were. The article in the Far Eastern Economic Review talks about how 10,000 Catholics defied government bans and came and risked their freedom in order to worship.

This year on the Feast Day, May 24, there was no celebration whatsoever. There was a tremendous government crackdown with 5,000 troops brought into the area a month in advance. Three bishops were jailed. Bishop Su, whom you know, has disappeared into the prison system. We do not know where he is. Bishop An, and the pastor, Father Cui have disappeared as well.

About 60 priests in this diocese are under house arrest or under some kind of surveillance and restrictions at this moment in time, so you can see the definite deterioration in the political space available to these independent Christians.

The Protestant Evangelicals are now saying that this is the worst time that they have experienced since the pre-Deng period in the late 1970's. The government is prosecuting a campaign to see that they are all registered or else thrown in jail. An American Bible missionary who returned to China earlier this year said that there is an arrest warrant with 3,000 names of pastors alone circulating by the Public Security officials.

In Shanghai, authorities have issued new regulations for re-education through labor for independent Christians whose "misdeeds" do not warrant criminal prosecution or punishment.

An example of the problems and persecution faced by these independent house churches is also drawn from this spring, in March. There was a crackdown, a very brutal crackdown, against an independent house church, and five women were arrested who claimed responsibility for organizing the worship service. They were beaten. One woman lost her front teeth in the beating, and others were scalded by boiling water thrown on them during the arrest by these guards. Those five women are in jail right now.

We do not know how many Christians there are in prison right now, but we do know that there are probably more Christians in prison in China than any other country in the world. It is one of the world's most dangerous spiritual vineyards for pastors and priests and preachers.

On our case lists, we have the names of about 200 clergy and Christian leaders. The State Department's country report refers to incidents where hundreds of leaders were picked up in one swoop and thrown in jail. Those people are nameless. We do not have their names.

In some of the cases we have, the Christians are now working in prison labor camps, such as prison motorcycle assembly plants, in brick factories. One priest has worked for 30 years against his will in a brick factory. Another Protestant Evangelical we know is toiling 10 hours a day in rice fields in a labor camp.

I think it is also important to point out that the Patriotic Association through the government does allow Christian worship—as well as other religious worship by Buddhists, Muslims and Taoists. These associations, make no doubt about it, are controlled and monitored by the Communist Government.

We have the case of a priest who was just sentenced for 2 years the beginning of this year for refusing to belong to this association. We now know in Hebei Province that the troops are sweeping through and forcing people to physically register with these associations. Christian worship is allowed only through these associations.

The head of the Religious Affairs Bureau, which interacts with these associations and helps monitor it, is a Communist hard liner and atheist who wrote an article this past March. This article gives a tremendous insight into his mentality.

This man is Ye Xiaowen, and I quote. He is talking about how religion is no trifling matter and how China has to have a strong policy toward religion. "We must adopt an especially discreet, very vigorous and circumspect attitude toward these issues, as suggested by Lenin." He is totally unreconstructed, this person who is heading the religious policy now.

Mr. Chairman, I was disturbed by U.S. policy, particularly after I met with our ambassador to China, Ambassador Jim Sasser. I met with him, along with a number of other NGO's—some of whom are at this table were there—in January a few days before he left for his post.

He had at that point been well briefed on a number of human rights issues, but he asked a question that was tremendously revealing, and that was, "What is a house church?" This is a Christian organization of upwards of 90,000,000 to 100,000,000 people. It is one of the worst persecuted independent organizations in the country. He had never heard of them, much less of the abuses that they are suffering. It strains credulity for us to think that the Administration is adequately representing American concern for this bedrock principle of this nation, religious freedom, if the ambassador does not even know about the structures over there.

One of Freedom House's recommendations is that——

Mr. SMITH. Ms. Shea, would you yield?

He actually admitted he did not know what the house church——

Ms. SHEA. He stopped the briefing and said, "What is a house church?"

One of our suggestions is that Mr. Sasser be recalled temporarily for a complete briefing on the Christian persecution situation, especially since it is one of the groups that has been hardest hit over the past year.

We also recommend that the United States should issue instructions to consular officials acknowledging the mounting evidence of religious persecution and instruct them to provide diligent assistance when victims of religious persecution seek refugee status.

The United States should issue instructions to consular officials to issue visas for religious study and other exchanges with members of the independent churches of China. We were shocked to learn that the United States actually denied a student visa to a seminarian of the underground Roman Catholic Church, though these visas are regularly given to seminarians of the Patriotic Association.

We have a number of other recommendations. In the interest of time, I will submit them for the record.

I would like to mention that although we applaud also the establishment of Radio Free Asia, the amount of funding budgeted for this radio in fiscal 1997 is only $10,000,000. This is the amount that was spent in 1 year in the final days of the cold war in Bulgaria, a country of less than 10,000,000 people.

Even if it were all to be spent on China, which it is not, it is not going to be adequate to get the word out in China about what democracy is all about and what the situation is within their own country.

I will conclude right there. Thank you, Mr. Chairman.

[The prepared statement of Ms. Shea appears in the appendix.]

Mr. SMITH. Thank you very much, Ms. Shea.

Before yielding to Mr. Feinerman, just one point here. I think, Dr. Schulz, you would appreciate this.

When I was in Beijing for the Beijing Women's Conference, I asked a question of our charge, who was then obviously acting ambassador because Mr. Sasser had not assumed that post as of that time, about an Amnesty report which detailed public executions prior to an event, whether it be the Asian Games or, in this case, the Women's Conference, where public executions take place in order to chill any activity by people. He said he had never heard of it.

Some other human rights NGO's that were in the room found it unbelievable that a man who was posted in Beijing with such a high position, in this case the point person for the United States of America until the ambassador was confirmed, was unaware of such reports.

Amnesty had issued a report on this very practice just prior to that carried by all the major media, and he was totally unaware and continued to claim that it did not happen.

Mr. Feinerman.

STATEMENT OF JAMES V. FEINERMAN, PROFESSOR OF LAW, GEORGETOWN UNIVERSITY LAW CENTER

Mr. FEINERMAN. Thank you, Mr. Chairman. I would like to add my voice to those who have thanked you and the members of your subcommittee for holding these important hearings today and providing an opportunity to present views on this critical topic.

I would like to summarize my remarks that have been previously submitted in a longer form, but also preface what I am going to say here in my spoken testimony.

I note that as someone who started studying the Chinese language 30 years ago in high school and studying the Chinese legal system 20 years ago, just as the Gang of Four was holding its own before the death of Mao, and someone who went as an exchange student to China 16 years ago in the very first group of Americans to go to China after we normalized relations, I want to point out, although I realize among this group this may be a somewhat unpopular position and I, like Representative Moran, will be forced into being the devil's advocate here, that I think compared to those earlier periods in relatively recent China history, the vast majority of people in China today are far better off largely due to economic changes and openness that have at least partly been the result of

our policy of allowing access to the U.S. market through our MFN policies with respect to China.

I think that is why the issue of extending Most Favored Nation trade status for the PRC provides a focus for considering in the broadest possible context our human rights concerns as we formulate U.S. policy toward the PRC.

My conclusion is that despite the difficult choices which we have to face, including admitted human rights violations and continuing hardships for certain Chinese individuals and groups, I believe it would be counterproductive for the United States to deny the extension of MFN; and even the expedient of making the extension conditional upon certain demonstrated improvements in the Chinese human rights regime, which is likely to prove unacceptable to the PRC Government, it seems to me, rather unlikely at this point to improve the lot of those whose human rights are being violated today.

I think in the long run, delinking our trade and other foreign policy interests from our interests in the promotion of human rights in China, which I do not believe we should ignore, will best serve the interests of people in both the United States and the PRC for reasons that I will try to outline very briefly below.

I think, at the outset, it is important to note that in the 7 years that have followed the imposition of martial law in Beijing and Tibet and the massacre in and around Tiananmen Square in 1989, there has been general improvement in China's human rights climate.

I think it is important to note that with the exception, a very important exception, of certain dissident individuals and groups that are viewed as an ongoing threat to the regime, most individuals in China today and since the early 1990's have experienced a vast relaxation of the controls that have governed their lives since the Communist party came to control in the mainland in 1949.

I think even the dissident community has seen occasional relaxation, although ironically much of that is in connection with previous threats to withdraw China's MFN status.

Even despite restrictive post-Tiananmen legislation that threatens to curtail freedoms of press, speech, assembly and demonstration that are guaranteed in China's Constitution, I think most PRC citizens enjoy more of these freedoms again than at any time since 1949.

What I would like to focus on, and I detail more in my written testimony, is the human impact of economic change and its prospects for human rights improvements in the PRC. When China opened its door a crack to private entrepreneurship in the late 1970's, individuals who had long been under the thumb of China's Communist party officials at long last began to have some ability to control their own fate.

I think today the dramatic economic growth that China has experienced in the last decade and a half, which is the result of the efforts of millions of privately owned enterprises and reforming semi-privatized State and collective enterprises, has made the difference.

Two years ago, Reader's Digest profiled four individual entrepreneurs in an article that they entitled "Freedom's Pioneers",

which recognized what was to them a surprising development and its implications for the Chinese future.

These vignettes, which described ordinary individuals—a carpenter in southeast China, a cook in Beijing, a chemical engineer in Hubei Province, a photo processor also in Beijing—emphasize the important message that economic change connected with the access that China has had to foreign markets has made it possible for a significant segment of the Chinese population to achieve more than a modicum of economic liberty and resulting personal freedom.

They have thrown out the shackles of their state-assigned jobs. They have been able to get out from under the control of their units, the *danwei* in China that previously controlled every aspect of a person's life. The petty bureaucrats who previously ordered their lives now no longer have the same ability to control them.

I think it is important to note that the public display of anti-government sentiment in the spring of 1989 in Beijing was very largely the result of these people, these people who had achieved a bit of economic freedom and were able to defy the state.

I think putting them out of business by denying China MFN will be more than counterproductive. It could prove disastrous.

I think it is also worth noting that the economic development that has come to China has made it possible for people even to avoid the strict restrictions that previously existed on residents, the residence system or *hukou,* that from 1949 until the 1980's really made every Chinese citizen a captive of his or her native place and made it possible for the police and the security apparatus in China to control the movement of people.

The booming economy has been the end of that, and it has made it possible for tens of millions of people essentially seeking the economic opportunities that are available in China's booming coastal areas to now move where economic opportunities are the greatest.

I think it is obvious that an army of anywhere from 100,000,000 to 200,000,000 migrant laborers who provided the life blood for China's economic boom are both a serious threat to the regime's control but also enjoy a kind of freedom that was previously unimaginable in China.

I think that it is worth noting, too, and I would disagree here with Representative Pelosi from California in a statement that she made a moment ago about most of China's dissidents—in fact, I would say they are virtually unanimous in their opposition to the revocation of China's MFN status because they understand the crucial linkages between China's enjoyment of MFN status, which comes from access to U.S. export markets, and the increase in personal liberty that results from the concomitant economic growth.

With virtually one voice, these individuals, many of whom have suffered grievously at the hands of the Chinese State and the Communist party, urge the United States to resist the impulse for momentary gratification, which would cause long-term suffering among their fellow countrymen.

Even Under Secretary of State Strobe Talbott, when he was writing in an earlier capacity as a foreign policy pundit for Time magazine, said about the 1992 debate over MFN that politicians are quick to embrace simple positions on complex issues, that make

them feel good and look good, but in fact make a bad situation worse.

As other China specialists have observed, China's leaders would suffer very little in fact from the withdrawal of MFN, but millions of Chinese individuals would suffer. I think that single fact argues in the face of claims to the contrary against withdrawing China's MFN.

Now, I go on in my written testimony to suggest that there are things that we do need to do, and I agree fully with the recommendations that have been made that we need to do more than take symbolic or moral stands related to human rights. We really need to underscore the necessity for the Chinese to live up to their own standards.

I also agree with those who have made the point that the problematic effects of denial of MFN, particularly on areas like Hong King and Taiwan, which will suffer grievously because of the linked investments that they have made in the coastal regions of China and the effects on the most economically advanced but in other ways most politically free regions of China, argue for something that makes it possible for us to achieve the same openness in our overall relationship with China that we have gained in areas like business and commerce and in educational exchange.

I think that we need to emphasize China's obligations under the international agreements it has signed, such as the Convention against Torture and the Convention on the Elimination of All Forms of Discrimination against Women.

We need to underscore the need for China to enforce its domestic laws, beginning with its 1982 Constitution, and we need to increase the level and frequency, although perhaps at the same time lower the volume, of dialog with China bilaterally and multilaterally over civil and political rights.

I agree that it is important that we draw other nations into this discourse because the United States should not have to carry the weight for a number of other developed countries and multi-party democracies that share similar concerns about China.

I think that if we can expand our current relationship along these lines, we would do well for long-term development of a broad-based legal and socioeconomic order in the PRC, which would foster respect for human rights.

I do not want to gainsay the difficulties here. This is going to be a long, painful process. Although it depends primarily on economic growth, it is going to await, I think, the rise of the middle class, as was suggested by others, which we have seen earlier in places like Hong Kong, Singapore, Taiwan and South Korea.

Inevitably along with exposure to the outside world and moral support from the West, that causes a domestic pressure for a more open political system. I think that if we attempt to impose a U.S. style democracy at this point on the People's Republic of China, we will not achieve our aims and that there is no substitute for the painstaking and protracted work of diplomacy and nation building.

Thank you.

[The prepared statement of Mr. Feinerman appears in the appendix.]

Mr. SMITH. Thank you very much, Mr. Feinerman.

Mr. Jendrzejczyk.

STATEMENT OF MIKE JENDRZEJCZYK, WASHINGTON DIRECTOR, HUMAN RIGHTS WATCH/ASIA

Mr. JENDRZEJCZYK. Thank you, Mr. Chairman. I would also like to join my fellow panelists in thanking you for taking the initiative to sponsor this hearing.

I think it is fairly obvious over the last 2 years that human rights have taken a back seat to commercial interests in U.S. policy toward China. There has been a clear double standard at work.

The Administration has threatened limited trade sanctions to protect intellectual property rights, but has abandoned all forms of economic pressure to promote human rights in China and Tibet. This would be acceptable if other forms of pressure were available or effective, but clearly they are not.

In response to the pirating of CD's and videotapes, the United States made it clear that Beijing would pay a price, yet when Wei Jingsheng was sentenced to 14 years in prison again last December, the Administration issued public protest, but went no further.

No one was dispatched to Beijing to press for his release, nor did the President or the Vice-President intervene personally on his behalf, despite the appeals from his family. As you know, Mr. Chairman, you heard the appeal of his sister here before this committee last December.

I also cannot help but comment on the IPR agreement just reached because it gave me a great sense of deja vu. Back in 1992 when MFN was at stake, the Bush administration negotiated a memorandum of understanding on prison labor that was supposed to guarantee access of the Customs Service to suspected prison labor sites. Lo and behold, China did not live up to its commitments.

In 1994 in March, then Secretary of State Christopher took over and negotiated an agreement on enforcement procedures. In the latest Department of State human rights country report, the State Department admits that since April 1995, the Chinese once again are stonewalling and refusing access to prison labor sites under the MOU and the implementation agreement.

I think the bottom line for me from both of these experiences is that absent political will and sustained serious and credible international pressure, China will continue to violate agreements and international norms of behavior whether in the commercial sector or in the area of human rights.

Mr. Chairman, you have heard from other witnesses, and I do not want to belabor the point, that in the 2 years since the President's delinking decision, there has been no improvement in human rights and in fact a steady deterioration.

Just as China has largely succeeded in effectively muzzling its dissident community, whether that is the religious community, political or labor activists, I think it has also been nearly as effective in muzzling the voice of the international community on behalf of human rights. Without sustained international pressure for human rights improvements in the rule of law, Beijing has little or no incentive to moderate or restrain its repressive policies.

I would like to give just two examples briefly. My testimony gives others. On May 27, Bao Tong, a former Communist party official and a political reformer, was released from prison in Beijing, having served every day of a 7-year sentence. He was immediately taken out of the city where he has been kept under house arrest, in clear violation of Chinese law, subject to severe restrictions. It seems, in fact, that the authorities are determined to keep him isolated outside of Beijing, and only a strong response from the international community may prevent this.

About a week ago, Bao Tong sent letters to senior Chinese Government officials, including President Jiang Zemin, protesting his illegal detention and asking to be allowed to return home to his family. He issued a powerful appeal that appeared in part in the New York Times in which he said, and I quote, "In this cage there is no law, no lawyer, no telephone, no doctor, no newspaper. It is not just me being deprived of my rights, but my family members as well, even though they are free citizens."

As of this morning, this situation continues despite the fact that last week the State Department said it had raised Bao Tong's case at a high level and said that his detention continues despite the obvious violation of Chinese law. The State Department also called on the Chinese Government to allow him to return home where he can receive medical care that he needs for very serious medical problems.

Mr. Chairman, I hope the Administration will go much further than this and will continue to issue high level demarches not only alone, but with our G–7 partners, since that is the only way that Bao Tong has a chance of returning home to his family in Beijing.

A second example. The U.N. Committee on Torture just last month issued a report on Beijing's compliance with the Convention against Torture, which China ratified in 1988. The committee found that there were credible reports of continuing widespread torture in China and Tibet and urged the government to establish an independent judiciary and to enact legal reforms.

Separately, on June 7 in Geneva, the committee monitoring China's compliance with the Convention on the Rights of the Child, which China ratified in 1991, expressed alarm over the high infant mortality rates in China's orphanages and State-run institutions and complained specifically that China refused to give the committee infant mortality data that it repeatedly requested.

Mr. Chairman, we believe this annual debate on MFN provides a useful opportunity not only to scrutinize China's human rights record, but to use it as a point of leverage over U.S. policy. We certainly believe the annual renewal process should be maintained and believe it would be premature to do away with this process, especially when no one can predict what is around the corner in the very uncertain era after Deng Xiaoping leaves the scene.

We have taken consistently the position that various forms of economic and political pressure are needed. Unfortunately, this Administration has so effectively discredited any direct linkage of MFN with human rights conditions that if President Clinton would sign an Executive Order tomorrow extending MFN with human rights conditions, I do not think the Chinese would take it seriously. I do not think I would, and I do not think you would either.

I do think there are steps that the Administration can and should be taking on a bilateral and a multi-lateral basis that could exert serious political and economic pressure. I would like to outline just three or four of them very briefly.

First of all, we think the United States should seek to limit World Bank loans to China. China now receives more funds from the World Bank than any other government in the world, $2,900,000,000 in the fiscal year ending this month. The United States does issue token no votes and abstentions against such projects; that is, for non-basic human needs. However, this is clearly insufficient.

In the case of Iran and previously in the case of Vietnam when the Administration really cared, they managed to prevent such loans from even reaching the board of directors for consideration. That is the kind of informal leverage we should be exerting at the World Bank on children.

Second, I think we should be channeling World Bank funds in areas where it is desperately needed; for example, for human rights and problems such as those just mentioned affecting millions of migrant workers or, for example, affecting children in State-run orphanages that are desperately in need of funds. That is where the World Bank should be putting its money.

Third, during talks next month in Jakarta with the Chinese Foreign Minister about a possible summit meeting between the President and President Jiang Zemin, we hope that the Secretary of State, Warren Christopher, will make it absolutely clear that there can be no summit meeting nor any visit to China by Vice-President Al Gore without there first being substantial and significant progress in human rights in China and Tibet.

This should also be on the agenda for Tony Lake's upcoming visit to Beijing early next month. We would urge this committee to sit down and talk with Mr. Lake before he goes to China to ensure that human rights are not just a minor talking point on his agenda, but a major priority.

We are deeply concerned that in its eagerness to establish greater dialog between Washington and Beijing, certainly something we do not oppose, the Administration not trade away the substantial leverage and symbolic value of such high level visits without first receiving human rights concessions in return.

Fourth, we believe Congress should insist on having a vote on U.S. support for China's bid to join the World Trade Organization. This is a substantial form of economic leverage that we have yet to utilize. We think Congress should require the President to certify that China has implemented certain specific human rights and trade reforms demonstrating Beijing's willingness to comply with global rules and standards before he can agree to WTO membership.

Mr. Chairman, it is impossible to separate China's behavior as a reliable trading partner from its willingness to comply with human rights norms. A government that routinely violates its own laws to crack down on dissidents is equally willing and able to cheat on an IPR agreement, fail to live up to contracts with a foreign investor or restrict business information on the Internet, all of which China is now doing.

Finally, Mr. Chairman, I am delighted that a number of Members of Congress today and members of this panel have alluded to Hong Kong, the crisis around the corner next year. We hope that the House of Representatives, followed by the Senate, will adopt a very strong resolution 1 year prior to the hand over of Hong Kong to Chinese sovereignty, calling on the Chinese to cease and desist from its threats to abolish the elected legislature elected last September and to replace it with an appointed legislature with its only loyalty to Beijing.

We hope that this resolution, which we understand is going to be introduced very soon by Representative John Porter, can receive unanimous support from this body and from the Senate. We also hope that at the G–7 meeting coming up in France later this month, relations with China and the future of Hong Kong will be on the agenda since it really is time to develop a multi-lateral consensus among all the G–7 partners for how to move China into an era of respect for human rights and rule of law in the future.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Jendrzejczyk appears in the appendix.]

Mr. SMITH. Thank you very much for your fine testimony, as well as for the recommendations, all of which will be taken very seriously by the subcommittee.

I would like to ask Mr. Gyari if you would make your presentation at this point.

STATEMENT OF LODI G. GYARI, CABINET ADVISOR, SPECIAL ENVOY FOR HIS HOLINESS THE DALAI LAMA, AND PRESIDENT, INTERNATIONAL CAMPAIGN FOR TIBET

Mr. GYARI. Thank you, Mr. Chairman, for giving me this opportunity. The better part of my time I would like to use in presenting a video, which is less than 4 minutes, which I think is very much relevant to the hearing that you have called for.

Before doing that, Mr. Chairman, I just came back this morning from Germany especially to testify, where I went to participate in the Second International Tibet Support Group Conference. I bring to you, Mr. Chairman, greetings and appreciation from over 300 delegates who came from 61 countries throughout the world to participate in the Second International Tibet Support Group Conference. They were very much gratified by the bipartisan support that the U.S. Congress has given to the people of Tibet.

I am also very happy to inform you that in spite of repression from the Chinese Government, the German Parliament is hopefully maybe tomorrow or the day after going to pass a resolution condemning China's human rights policies in Tibet and calling for negotiations between His Holiness and China's Government.

This I think is very important because I do believe there has to be coordination between the western free democracies on issues like Tibet and other issues that we are going to discuss here.

Briefly before we make the presentation of the video, Mr. Chairman, I do want to tell you that there has been no progress whatsoever with regard to Tibet in the last 2 years. In fact, the opposite is the case. I had tried to point that out clearly in my written statement. Therefore, I will not take your time to go through it.

In fact, what President Clinton did was to send the wrong signal. The United States unfortunately, Mr. Chairman, and I do not want to say it and it does not come out of disrespect to your great Nation, but your country is seen as a paper tiger by the Chinese. I think this Administration has failed to take any opportunity to make the impression otherwise. I think if this continues to happen, it will be very unfortunate not only for the United States, but for the Chinese people.

I also wanted to say briefly whether it is experts coming from the business world or even if it is your colleagues, Mr. Chairman, when people come here and try to testify and say that you want to give MFN because it is good for the people of China and Tibet, I feel very insulted.

If they recommend MFN because clearly there is a lot of money to make, that is fine because this is a capitalist nation, and we know that there is money to make. It is not benefiting the U.S. people because I don't know anything about economics, but I know with a $34,000,000,000 deficit I think even a child can understand who is being benefited.

The great idea about the great market has become the opposite today. You are the biggest market for China. China has not become the market for you. It is the opposite. I think whoever it is should be very frank. There is no harm in making money. This is a capitalist society.

I feel very much insulted and offended when people come here because in the last week or so I had the opportunity to testify at the other committees on the Senate side. I really felt—as a Buddhist I should not feel it—at times very much a sense of anger when I heard some of your business leaders come there and without any embarrassment to testify that we are doing all this because we believe that this is for the betterment of China and Tibet.

Let Mr. Harry Wu speak of what is better for China. Let me speak of what is better for Tibet and not the CEO's of Boeing or AT&T. This I would like to say. Even if it comes from the senior people at the Administration, even from some of the very respectable Members of the U.S. Congress, it is not the truth.

On the other hand, I think your policy to China is confusion. It is a policy which is not going to benefit you. China is very important, mind you. We are always asking you not to isolate China. Twenty years back when none of the Western World would have any relation with China, my leader, Dalai Lama, was going around literally in the early 1970's pleading with the West to open up to China. China is a big nation. It cannot be kept in isolation.

I think the present policy has not helped. Last week when Assistant Secretary of State, Winston Lord, testified at the Senate Finance Committee, Senator Moynihan asked him about the situation in Tibet. I was very happy because Assistant Secretary Lord was very forthright in expressing his concern about the situation in Tibet, but then he went on to say that there is nothing the United States can do because it has no leverage.

What has happened? I was told 2 years back when President Clinton decided to delink human rights and trade, he assured us that this was the way to help. This was going to increase our lever-

age. Since then, almost every sanction has been lifted, one after another, with the excuse that it is going to improve leverage.

Today you have given them everything that they want, and yet now they tell us that we feel sorry for the people of Tibet, but there is nothing we can do because we have no leverage. I think this clearly shows that the policy of the United States with regard to China has been misled, has been a total failure. It definitely has to be revisited.

With that, once again I thank you for this opportunity. As I said, we have a brief video. This is about one young Tibetan boy who was a Fulbright scholar in your country, an artist, not a politician, never worked in the government and the political capital city, was part of the School for Performing Arts. He went back to Tibet with a valid visa to record traditional Tibetan music. Now he is in detention somewhere in Tibet.

Therefore, this clearly shows what has happened after the delinking of the human rights and the trade.

Mr. Chairman, thank you very much.

[Video.]

[The prepared statement of Mr. Gyari appears in the appendix.]

Mr. SMITH. Mr. Gyari, thank you very much for your testimony, as well as for that very informative and moving video.

I wish every Member of Congress could see that prior to the vote that is upcoming on MFN. Even if they did not change their views, I think this and other documentation that is being brought forward by today's hearing would be helpful in forming at least a more well-rounded opinion as to what the consequences are when we fail to use the considerable leverage that is at our disposal.

Mr. Feinerman, you mentioned a vast relaxation, I think that was your term, with regard to the human rights situation for the average Chinese, and yet we have heard from Ms. Shea that there has been a concerted crackdown in the last couple of years, especially post-delinkage, of MFN and human rights. She mentioned Bishop Chao.

I would just say parenthetically that I met with Bishop Chao and had the honor of hearing him celebrate a mass in a small, dingy apartment in Beijing. It was at his request, and for that he was arrested and held in detention for 14 days or so, about 2 weeks, always knowing that he had a kind of sword of Damocles hanging over him simply because he wanted to practice his faith as he saw fit.

Now Ms. Shea has said that some 60 priests, I believe it is, are being held under house arrest, an untold number of house church people, people who are practicing their faith as they would like, but are not part of the officially recognized church.

Again, that part of Christianity has been growing almost exponentially until this very severe crackdown was put into effect. As a matter of fact, if I heard you correctly, Ms. Shea, you said it is the worst since the pre Deng Xiaoping time.

Ms. SHEA. That is what the Christians themselves are saying.

Mr. SMITH. There is a concerted effort to eradicate all but those who will remain loyal to the Communist dictatorship and to its form of church.

We have also heard other compelling testimony; Mr. Gyari suggesting that the argument that the benefits inure to the average Chinese is an insult, and that we should let him and Harry Wu speak to that, as Harry will momentarily.

I just wanted to ask you. MFN is one instrument available to us. First of all, how do you respond to some of the things you have heard today? MFN is one instrument. There are others out there.

We heard prescribed for the subcommittee ways of using World Bank loans and a whole host of other tangible things, such as money and linkages to money, as a method.

There is legislation pending, which I am one of the sponsors of, that would say if we cannot completely relink MFN, or take it away as the case will be now, why not go after those businesses that are associated with the People's Liberation Army? The President, if I am not mistaken, toyed with this idea briefly and then jettisoned it completely a couple of years ago.

Why not have a calibrated response that says, "This is the military that has committed many of these atrocities?" Why not link it to them? Would you be favorable to that approach?,

Mr. FEINERMAN. I have no problem with the calibration that you proposed, and I think in some ways that speaks to some of the recommendations that I make in my conclusions that we need to address particularly those things where we can have an immediate impact and an effect.

May I just address the larger question you presented at the outset? I think again, and I tried to carefully qualify in my written statement, that it is true for the vast majority of the people in China that they are free of many of the shackles that previously bound everyone in China.

I try to make it clear that individual dissidents and groups that are viewed as threats to the continuing hegemony of the Chinese Communist party and to the Communist elite are still in great difficulty. In fact, there are periodic and relatively severe crackdowns on those.

That would include, I think, religious groups, who are viewed as dissident, not part of the officially State-condoned religious organizations, or in the case of Tibetans who can be characterized, and I am using this term the way the Chinese Communist leadership would use it, as separatists. They will be treated with the utmost derogation of their individual human rights.

Having said that, and not trying to denigrate the suffering of any individual person who lives in China, they are the tiny minority. The vast majority of the Chinese people compared to 10, 15 or 20 years ago are still I think vastly better off.

I would just say in connection with the questions of religious practice that if you look at the possibility of even practicing the Christian faith compared to say pre-1978, if you look at the opening of religious monasteries and temples that were closed in Tibet and have been reopened in some cases not necessarily for totally laudable purposes like foreign tourism, it is clear that still there have been incremental improvements compared to earlier periods. I think that those things have to be considered in the broader context.

Mr. SMITH. In contrast to a vast relaxation of the shackles, in a number of areas I would argue that it has gotten worse. One area where the evidence is absolutely compelling is in the area of coerced population control policy, particularly as it relates to forced abortion and forced sterilization. It is on the rise especially in Tibet where it is an act of genocide, but even among the Han Chinese and among the vast numbers of people in rural and urban China.

The idea of one child and only one child is against all privacy and the basic rights of women and their children. That has gotten worse in the post-Tiananmen Square atmosphere, while all the time this trade relationship has been growing.

Dr. John Year, who is the former head of the U.S. Census Bureau, China Branch Division, has testified before this committee extensively. He is an expert. He is not pro-right-to-life as I am. He does not believe in the rights of unborn children as I do. He takes the other view, but he says that, when it comes to coercion, it has gotten demonstrably worse.

We have heard from women in this room as well who have been victimized. One particular woman, who now languishes in Bakersfield, California, actually had the audacity of picking up a child who had been abandoned, a little baby girl. The population control cadres, the work unit, counted that child against her one. That woman was sterilized against her will and forcibly aborted. There are still women who could be sent back to China to a very cruel fate.

In terms of what is the situation on the ground, I respectfully submit, and perhaps others would want to comment on this, that in this area of forced abortion and forced sterilization, it has gotten worse.

Again, these are crimes against humanity. If we are willing to deal with the Chinese dictatorship in this regard and continue the trade relationship as if everything is just OK, why not with the Nazis 50 years ago or other fascist regimes that cruelly mistreat their people?

Would anyone else want to respond to that, and perhaps Mr. Feinerman as well?

Mr. JENDRZEJCZYK. I would just comment, Mr. Chairman, regarding the loosening of social controls. It is absolutely true, as Mr. Feinerman said, that Chinese citizens have now greater ability to move around. The household registration system has been largely abolished.

At the same time, given instability provoked by China's economic reforms, the government is instituting new forms of social control, whether that is now requiring churches of all kinds outside of official auspices to register, new controls being put on the Internet and access to information coming from outside of China, including economic information through the wire services.

I think what we see is a situation where the country is in a profound state of change, transformation and flux. You have extremely contradictory signals being given in some cases by central authorities on the one hand and local authorities on the other.

I think to deduce from this situation which is in flux that overall there has been a general improvement in respect for human rights

and the rule of law just does not comply with what we know with the evidence on the ground.

For the vast majority of Chinese, yes, there have been profound economic and social improvements in recent years—no question—but the jury is out on whether these economic and social improvements will lead to any form of political liberalization or loosening of the political system where basic human rights will be fundamentally and routinely respected.

Dr. SCHULZ. Mr. Chairman, if I might add to what Mr. Jendrzejczyk has said?

I think it is very difficult to know in any definitive way exactly what the numbers are because it is very difficult to get that kind of information out of China. We could argue that back one way or another.

I think it is important to recognize that human rights are about protection of minorities. They are about protection of people who may want to practice an unpopular religion or who may want to express a politically dissident view in any particular country. That is what human rights are about. Human rights must be measured in large part by how those people themselves are treated.

I would also say, Mr. Chairman, that the fact is that we are quite clear that in terms of use of the death penalty in China often for trivial crimes such as the selling of fake fertilizer or the stealing of bicycles, these are cases in which we have individuals who are not necessarily political dissidents, but who are being treated in what I think we would regard, even people in this country who may in general support the death penalty, as clearly beyond the realm of what we find acceptable.

Mr. SMITH. Mr. Gyari.

Mr. GYARI. Mr. Chairman, if I can just basically restate what I said earlier, in the case of Tibet, particularly in the last 2 years, I think everyone, those who are fair and frank, will admit that the situation has become worse.

I think there was a period from 1978 for about 10 years where China was definitely moving in the right direction, but since then I think yes, it is quite true. Some of the princelings, the sons and daughters of Public Bureau members and a lot of Generals—first of all, when you talk about the middle class that has come up in China, and again I am not an expert. I do not want to go into that.

Again, it is very misleading because actually you are making the Communist party of China and their siblings. The middle class that has come up are not the middle class that you and I wanted to come up. Actually, what they have done is empowered the only remaining Communist nation on this earth.

Quite often, I find it very funny that American politicians and even janitors talking about except Cuba, there is no Communist country. The biggest Communist country is China. It was, even before the Soviet Union. The Soviet Union was much more threatening, particularly to the West. Somehow I think because of your culture there was much more Russo-phobia. Communist China even then was the largest Communist nation. It still is there.

Also, I find it very strange because quite often people talk about how Taiwan was very bad. South Korea was also bad 20 years ago. Sure, in terms of democracy the Chinese Government is very bad,

but I think as a nation you are talking about how they were not of any security or threat to America.

China truly does not make it any secret. I go to the United Nations every year trying to raise the issue of Tibet. Many of the Afro-Asian delegates come to me and tell me frankly to say that we sympathize with you, but we cannot vote with you because China is the only nation who will ultimately be able to challenge the United States' supremacy as the super power.

I just do not understand that. You are captain of your industries. You want to build an ultimate super power. We thought the cold war was over. It is for everyone. There seems to be always somebody. You deliberately want to create yet another monster. You just managed to get rid of one. I find it very strange.

Some people talk about the monasteries that have been rebuilt in Tibet. So what? They destroyed 6,000 of our monasteries. If they have rebuilt 13, should I be grateful? They destroyed 6,000 of them and allowed us to rebuild 14 or 15. Given that logic, I just do not understand why people go out of their way to justify everything China does as something positive.

I am not an expert on China. I let others speak about that. In Tibet, I can tell you candidly that in the last 2 years the situation is going from bad to worse. There is no doubt about that. The facts clearly speak out from Amnesty and Human Rights Watch. The facts very clearly speak out.

Thank you, sir.

Mr. JENDRZEJCZYK. Mr. Chairman, could I just briefly comment on one other remark by Mr. Feinerman?

There is, I think, a widely held conventional wisdom here that a rising middle class in China will bring about change. Unfortunately, many of those who are making money the fastest are also guilty of all kinds of corruption and abuses themselves.

There has been a recent trend in the last year of peasant riots in many parts of inland China where local corrupt officials have money and have arbitrary power and are exacting taxes and violating the law and getting away with it.

I think it is somewhat wide-eyed and naive on the part of those here who look at this phenomena and think these are going to be the prime advocates of human rights and the rule of law in China. Maybe, but in many cases that certainly is not the case right now.

Certainly economic reform over the long term can be a catalyst for change, but I do not think there is any evidence to indicate that economic engagement in itself and by itself is a guarantee that there will be significant and meaningful political reform and greater openness in China.

Mr. SMITH. The time is getting late, so I will just ask one final question.

We are joined by Marcy Kaptur, our distinguished member from Ohio, who serves on the Appropriations Committee and is very concerned about these issues.

Just a couple of points if anyone would want to respond to this.

Dr. Schulz, you did indicate that there is a connection between our failure in policy vis-a-vis the PRC and how it affects Nigeria and other areas. I wonder if you would all want to comment on whether or not this affects how we operate at the U.N. Convention

on Human Rights, and more particularly on the fact that the motion failed, which I know the Administration worked hard on. If they are seen as a paper tiger, our clout and our ability to work change is diminished.

What are your views on the release of Wei Jingsheng? It seems to me to be an absolute abomination and an embarrassment to this Administration that, after meeting with the point person for human rights, Assistant Secretary of State John Shattuck, he was apprehended and subjected to a show trial.

I met with Wei and heard him speak very eloquently about human rights and democracy. Two weeks later he meets with John Shattuck, and is sent back into prison. What is this Administration doing?

Just let me say for the record that we had invited the Administration to be here, to send a representative to provide testimony and insight. They declined or decided not to. We will remain open if they would like to do so at some future point.

Finally, on the issue of trade sanctions: implicit in the most recent negotiation—which I thought would resolve at the eleventh hour, a parachute would open and there would be a soft landing, as indeed there was—was the fact that the Administration clearly sees trade sanctions as a tool to be used when piracy is involved.

If it is legitimate there, why the double standard when people are being murdered, tortured, killed through forced abortion and all the other catalog of abuses committed by this dictatorship? Why the double standard?

Dr. SCHULZ. Mr. Chairman, let me just comment briefly that I think the fact that China undertook such a concentrated campaign to prevent a vote from being taken at the U.N. Human Rights Commission reflects the fact that for all of its power, China is extraordinarily sensitive to even the most symbolic kinds of slights. That means that it is even more important than ever that the United States take a leadership role in this respect.

It becomes very difficult for other nations to take the United States serious in this respect when its policy seems so two faced; when, for example, President Clinton refused even to meet with our friend Harry Wu; when, for example, the Dalai Lama is available in the Executive Office buildings and is met by the Vice-President and in something of a surprise fashion the President shows up, but is unwilling to have an appointment with His Holiness.

When these kinds of actions take place, it is very difficult for the United States to hold other nations in line on a critical vote such as that before the U.N. Human Rights Commission, and yet we are quite clear that this matters very much to China and ought to be a particular way in which this issue can be joined quite squarely.

Mr. JENDRZEJCZYK. I would just say that I think it is hardly the experience of the last 15 to 20 years of China's engagement with the outside world that has made it possible for China to take us seriously as it does precisely the sorts of things that have just been mentioned.

It is also worth noting that a China that was not part of the international community, that felt no ties of trade or any other connection with the rest of the world, felt perfectly free 30 years ago to ignore the sentiment of the rest of the world, and that the surest

way of, I think, creating a sort of self-fulfilling prophecy in making China even a greater threat than it may be today to world peace and to U.S. security is to take steps that will be viewed as hostile by the Chinese Government on a wide range of issues, poison the relationship that already exists and drive them further into a corner, which I think is in no one's interest, not ours, not the rest of the world's, and certainly not that of the vast majority of people living in China today.

I would not disagree, Mr. Chairman, but I do believe that if China wishes to be a global partner in the areas of trade, non-proliferation and human rights, it has to abide by international norms of behavior. China is a very important country, an increasingly powerful country. It is a permanent member of the U.N. Security Council, but it is on the verge of this major transition.

The question is how can China be effectively integrated into the international community with the expectation that these norms of behavior will be respected, and, if not, there will be certain penalties and prices to be paid? That is really the question.

Unfortunately, I do not think this Administration has developed an effective strategy, nor has it tried to develop any kind of multilateral policy with our G–7 partners on China since the immediate aftermath of the Tiananmen Square crackdown. That consensus evaporated at the G–7 meeting in July, 1990, in Houston.

Now is precisely the opportunity when China is on the verge of this major transition and before Deng Xiaoping passes from the stage for there to be precisely this kind of consensus and clear norms of behavior and expectations that China knows it has to meet.

China cannot afford to be isolated any more than we can afford to isolate China, but who dictates the terms of engagement? Under what norms will China be integrated into the larger community? That is the issue that we have to face, and that should be the bottom line objective, I think, of U.S. Government policy toward China.

Mr. SMITH. I want to thank our very distinguished panel for their outstanding testimony and to assure them that, with the MFN vote imminent, in a couple of weeks perhaps, major portions of this testimony will be made available. We are going to make it available to as many members as possible so that they can know and benefit from the counsel and wisdom that you have provided. I thank you very, very much for your testimony.

I would like to welcome our third panel to the witness table.

Mr. Harry Wu is most widely recognized for his arrest and detention by Chinese authorities in the summer of 1995 and the subsequent international outcry which prompted his release after 66 days in prison.

While his recent experience brought the most wide-reaching attention to the atrocities of the Chinese prison system, Mr. Wu has tirelessly campaigned to bring the horrors of the Laogai forced labor system to worldwide attention since his release from the gulag in 1979.

He has authored two books on the system and his experiences in it, and has testified frequently before U.S. congressional commit-

tees, as well as the Parliaments of Britain, Germany, Australia, the European Parliament and the United Nations.

In 1992, Mr. Wu established the Laogai Research Foundation and since his release continues his work to publicize and condemn the Laogai as the Foundation's executive director and as a research fellow at the Hoover Institute at Stanford University.

Again I would like to welcome Harry. Harry has been before our subcommittee, as have other survivors of the Laogai. It is great to have him here.

Qian Xiao Jiang is a research assistant at the Office of Oncological Research, Children's Hospital, Orange County, California. Dr. Jiang has served as resident physician at both the Huabei Power Plant, Huabei City, Anhui, and International Department No. 1, People's Hospital, and has completed a Master's program in clinical immunology at Renji Hospital, Shanghai, Second Medical University. He has held numerous positions at universities and hospitals in the United States.

Zhou Wei Zheng served as resident physician at the Department of Nuclear Medicine in Guangdong Province, China, from 1985 until 1994. Prior to that, he studied as a specialist in medical treatment at the Zhanjiang Medical Institute in Guangdong, China. Dr. Zhou has been in the United States since March 1995.

Zheng Yi has been active in the Chinese democracy movement both in his native China and in the United States. From 1978 until 1989, he served as chairman of the Shanxi Province Motion Picture Association. In 1989, he participated in the Tiananmen Square democracy protest and as a result was identified by the Chinese Public Security as wanted by the police.

He went into hiding from 1989 until 1992, during which time he wrote the manuscript for Scarlet Memorial, a work which was recently published in the United States by Westview Press. Mr. Zheng fled to Hong Kong in 1993 and received political asylum in the United States thereafter.

Currently he serves as a researcher and writer at the Princeton China Initiative and has published numerous articles in publications including the New York Times and Reader's Digest magazine.

Harry Wu, if you could begin your testimony.

STATEMENT OF HONGDA HARRY WU, EXECUTIVE DIRECTOR, THE LAOGAI RESEARCH FOUNDATION

Mr. WU. Mr. Chairman, it is my honor to be here on this debate on MFN. Today we will focus on two issues. One is public execution, and the other one is the extracting of organs from death row prisoners.

I want to show the videotape first and have it become the part of the Congressional Record, and then we will invite Dr. Zhou and Dr. Qian to tell you about their own experiences. Mr. Zheng has a typical experience in China and is a firsthand witness to tell you about public execution in China.

I will show the videotape first.

[Video.]

Mr. Chairman, because the time is very small, I will not repeat all of my statement. I think the statement can become the record of the congressional hearing.

I just want to make some points. In the meeting, I heard a lot of different views, especially something about MFN. Now you see this documentary and you hear about the one-child policy. You hear about forced abortion. Today in China there are 14,000,000 cases of forced abortion. One in ten means 1,400,000 abortions. Have you heard about that in history? You never heard about it.

The people want to tell you there is a lot of change today in China. They try to link the change as coming from foreign investment. Because of foreign investment, the personal freedom is coming. The door will be open.

That is a lie. It is not true. The door cannot be closed because the Chinese learn from their own experience. They learn from their suffering. China was isolated the past 3,000 years. At that time, no MFN, even no United States. Because of MFN, China cannot be isolated. That is a ridiculous idea.

Today in the world nobody can isolate, even the Chinese Government, because 1,300,000,000 people learned from their 40 years' experience, not because we give the Chinese Communist Government MFN. So we would not isolate China.

The MFN debate is going the wrong direction. The people tried today to ask you why you revoke MFN. If you revoke MFN, what could happen? The questions has to go to the other side. Why do you give the Chinese regime the favor? Why do you give it to them?

Why did you not give it to North Korea? You never gave it to the former Soviet Union. You never gave it to Cuba. Why do you not treat the Chinese Government normally, not favored? You want to treat it favorably. What is the reason you want to treat it favorably?

Some people are honest. Because of business interest. Some people lie. They tell you hey, this is the way to help the Chinese process for democracy and human rights. Some of the people even want to say hey, democracy and human rights should be based on the middle class. The people are educated, become wealthy, and then they know about protecting rights.

Those politicians would not go to New York on the street and talk to the homeless people and say hey, because you are poor and are not educated, forget about human rights. You are put into a school, you accept education and then become rich. I give you human rights. They never applied the idea to the Americans. They apply it to the Chinese today.

Human rights have no border. Human rights are deserved by any individual person. It doesn't matter poor or rich. It doesn't matter the color of skin. It doesn't matter if they are educated or not educated.

We should not ask questions and say if we revoke MFN what could happen. It will involve a trade war. If you revoke MFN, we can put the Chinese Communist Government in the corner, and they will improve their political situation.

The question should not go this way. We have to ask you why you want to give the Chinese Most Favored Nation status. Why do you favor the Communist regime in China, not the Communist regime in Cuba?

I am pretty sure the day may soon come. We will in the next century debate another question. Who financed the Chinese Com-

munists? The western cash is just like fuel in the tank driving a Chinese Communist vehicle.

The people tried to tell you that China will become an economic giant, but they did not honestly mention to you this economic giant is also a military giant and political giant. And it is a Communist giant.

I want to point out today the United States already is involved in a cold war with Communist China because this is the first time since former President Nixon opened the China relationship, this is the first time since the Vietnam War ended, that the American Navy and American military were face to face in Taiwan against the China military in March. In the past 20-some years, it never happened. Now it is coming.

Today in China the American policy debate, week after week, in any area—the trade deficit, population control, environment policy, one-child policy, immigration policy, weapon proliferation. You name it, the Chinese are there.

How come this backwards country today has the ability to upgrade their military, upgrade their political activities? Where is the money coming from? Where is the knowledge coming from? Where is the equipment coming from?

The United States never allowed the Soviet military companies to do any business in the United States, but allows the Chinese Communist military companies in the United States to buy and sell. The administration of the United States did not answer the question. The politicians did not mention it.

In 1990, the Chinese Embassy spent $5,000,000 to hire an American law firm to lobby MFN. This year, none, they do not spend a penny. Last year they did not spend a penny for that lobbying. American businessmen do it for them.

Today I want to particularly mention two gentlemen because one was just on this panel mentioned by a Congressman. I am talking about Martin Lee. It is true that when Martin Lee was in the United States, in Washington, he said free MFN to China. Do understand one thing. Martin Lee is a very, very famous, very firm democratic fighter. You must understand one thing. Martin Lee is based on local Hong Kong politics, many Hong Kong freedom fighters, democratic fighters.

Be very clear what are the abuses in China. What are they fighting for? The Hong Kong community is based on business. To better fight, they need your vote. They have to say free MFN. This is not from the bottom of their hearts. You will see Martin Lee, next year, may say differently, I promise you. Next year about the MFN issue he will say differently, I promise you.

Particularly, I want to mention one thing on Capitol Hill. I have heard recently that some of the Wei Jingsheng comments of the Most Favored Nation trading status have been put to political use by some Members of Congress and the media. This kind of selective memory to serve one's own political and personal agenda is shameless and should be seen clearly for what this really is.

Most of these people today using Wei Jingsheng's 1993 Most Favored Nation comments never supported Wei Jingsheng's fight. They never supported the nomination for Wei Jingsheng to win the Nobel Peace Prize. If they really have a concern for human rights

in China, a concern for democracy, I think they should support Wei Jingsheng.

We do have to know that in 1993, Wei Jingsheng had a very special situation. He got probation. History will tell you the truth. What was the Chinese Government at that moment doing? It is too early to say something today, but history will tell you the truth. Do not quote it. You can spend 15 years and 14 years waiting for him. He spends 29 years in jail, and you want to use one sentence for your personal purpose. This is really shameless.

Let me quote Wei Jingsheng's comments here from 1993. "The Chinese people's understanding of the new direction of the U.S. policy toward China leads them to believe that the party was right all these years in saying that the American Government is controlled by rich capitalists. All you have to do is offer them a chance to make money, and anything goes. Their consciences never stopped them from making money."

In this film, I want to emphasize two things. One is public execution. It is true that in human history that many countries have executed prisoners in public to demonstrate their power. The guillotine in the French Revolution is one case.

These are the last few years in the twentieth century. Most countries live in civilized society, but today China is frequently, constantly using public execution to show its dictatorship and scare the people. If our civilized society keeps silent, it is our shame. If the society is only thinking about the money, it is ridiculous.

Also in this film is the first time you heard in the world, in this huge population, killing people by quota, a quota of one of 1,000. This includes today's Chinese leader, Deng Xiaoping.

The people tried to tell you there is personal freedom over there, tried to tell you there is a kind of political reform over there. With everything changing today in China, two basic fundamentals are not changed. The country is entirely controlled by the Communists. Second, the country is absolutely lawless.

I want to pass on to my colleague, Zheng Yi. He will speak to you as a firsthand witness about execution.

[The prepared statement of Mr. Wu appears in the appendix.]

STATEMENT OF ZHENG YI, RESEARCHER, PRINCETON CHINA INITIATIVE (THROUGH INTERPRETER)[1]

Mr. ZHENG. I do not speak English. Sorry.

In China, parading prisoners through streets prior to execution is not a secret. Most Chinese see such scenes with regularity. Personally, it happened to me many times.

Indelibly ingrained in my mind is one such scene. It was around 1970 in Guiyang, capitol of Guizhou Province, an ideological prisoner, an ordinary woman sentenced to death for objection to Lin Biao, was being escorted to be shot.

I happened to be in a place between Guiyang Telecommunications Building and Chunlei Square, a downtown location similar to Tiananmen Square in Beijing. Clearing the way for the motorcade were police vehicles, followed by trucks, each with a squad

[1] David Welker, interpreter.

automatic weapon on its top, cram packed with soldiers and bristling with rifles.

In the middle of the motorcade was the truck, the tightly tied condemned woman, several soldiers pulling her hair to let the mob see her face clearly. Following that truck were other trucks cram packed with soldiers and bristling with rifles. The whole motorcade, about ten vehicles in all, was murderous looking.

Around 1975 in Xiaoyi County, Shanxi Province, at the coal mine where I was employed, I personally witnessed how a prisoner was publicly executed. It was a coal miner who was involved in a fight and killed his opponent.

The killing site was located on a dry riverbank near the coal mine. There were thousands of onlookers. The army authorities, for fear or losing control, lied to the mob that the prisoner would be shot at the foot of a hill. While the mob was running toward the hill, dozens of soldiers pulled the prisoner down from the truck, trotted with him along the riverbank and shot him while trotting.

As the prisoner and the firing squad were surrounded by other soldiers and some of the mob, I could not see how he had been shot. I only saw that a group of soldiers in dark glasses and gauze masks came out flurried from the mob, ordered a truck and immediately drove away.

Those who saw the scene said the young soldier who fired the shot looked terrified and was literally carried away by the other soldiers. Forcing recruits to fire and kill has been a tradition of the Chinese Red Army since the Jinggangshan Period of the 1930's. A soldier can be brave only if he kills somebody.

When the mob was beginning to disperse, I got close to the corpse and watched it. One detail struck me: the clothes and shoes were worn out, but carefully darned with new thread. Obviously his family was poor.

Not only did the savage Chinese Communist authorities publicly kill people, but they resorted to a thousand and one ways to make it impossible for condemned prisoners, in particular ideological prisoners, to shout out slogans at execution sites.

Because of the shortage of time, he will translate only one of the examples from his written testimony.

The best known and representative case is Zhang Zhi-Xin, female, Communist party cadre, Shenyang City, Liaoning Province. She was sentenced to death only because she expressed suspicions about Mao Zedong's wife, Jiang Qing, and Lin Biao.

On April 14, 1975, early in the morning on the day she was executed, she was dragged into the prison office where a box with a scalpel and scissors were placed on a table, and a bucket of water was put on the ground. In the middle of the office was a brick. She wore leg irons and handcuffs. She was suddenly pressed to the ground facing the ceiling, her neck pressed by the brick. Police officers severed her windpipe with the scalpel and inserted a metal tube in her throat. At 10 in the morning, Zhang was shot at Dongling execution site, Shenyang City. She was then mutilated, her body destroyed.

In the spring of 1979, due to internal power strife within the Communist party, Zhang was politically rehabilitated. All major media covered in detail how her windpipe had been severed.

Ladies and gentlemen, today as a writer whose reputation has never been questioned, I am bearing testimony before you. Never in world history has there been a country like mine where so much innocent blood has been shed. Never has there been a government like the Chinese Communist Government that has created such cruel modes of killing.

I sincerely call upon all of you to continue paying close attention to human rights conditions in China, paying attention to the basic human rights of Wei Jing Sheng, Chen Ziming and all those who are being incarcerated.

Thank you very much for your attention.

[The prepared statement of Mr. Zheng appears in the appendix.]

Mr. WU. Mr. Chairman?

Mr. SMITH. Yes?

Mr. WU. The following are the two doctors. They are very courageous and want to tell you their experience.

Before they testify, I want to tell you that I was in Vienna at a meeting with Dr. Simon Weisenthal. I told him about the Chinese doctors extracting organs from death row prisoners. He was shocked.

He said he had done much study about Hitler and Nazi doctors using human beings. He said the crime in China is incredible. I cannot accept it.

I think the organ transplants today in China have not come to the end. I think we are just beginning. These two doctors, maybe their stories are the tip of the iceberg. I will promise we are continuing to expose the human beings' fatality record.

Now I want to introduce the first doctor, Zhou Wei Zheng.

STATEMENT OF ZHOU WEI ZHENG, FORMER PHYSICIAN, ZHANJIANG MEDICAL INSTITUTE, PEOPLE'S REPUBLIC OF CHINA (THROUGH INTERPRETER)[1]

Dr. ZHOU. I would like to thank everybody for inviting me.

I attended the Zhanjiang Medical Institute in Guangdong Province, China, from 1980 until 1985. I specialized in medical treatment. Following graduation in 1985, I was assigned to work as a resident physician at the Department of Nuclear Medicine at the Zhanjiang Medical Institute Hospital. I was employed there until 1994.

Due to the nature of my research work, I had frequent access to data related to kidney transplants at the hospital. To the best of my knowledge, the Nongken Hospital and the 4022nd Hospital on numerous occasions used the organs from executed prisoners for transplant surgery. The following is only one example of this practice.

In early 1994, the Department of Kidney Surgery at Nongken Hospital performed two kidney transplant procedures. The kidneys came from a single male prisoner who was executed in Beihai City, Guangxi Province.

One week prior to the execution, doctors from the Nongken Hospital went to the prison in Beihai City where the prisoner was

[1] David Welker, interpreter.

being held. The doctors took blood samples for the purpose of analyzing his immune system.

On the day of the execution, the Nongken Hospital dispatched an ambulance and three doctors to the execution site to remove the organs from the prisoner immediately following the execution. The three doctors who performed the extraction were Dr. Cheng Huaji of the Kidney Department, Dr. Chen Yong of the Surgical Department, and Dr. Peng of the Orthopedic Department. The ambulance was specially remodeled with tinted glass windows to prevent outsiders from seeing inside.

To preserve the prisoner's organs, members of the People's Armed Police firing squad are ordered not to shoot to kill, but rather only to cause a coma. Immediately after the execution, the prisoner was taken into the ambulance. Organ extraction procedures were directed by Dr. Cheng. Dr. Cheng made incisions in the back and at the waist and then extracted both kidneys. He then peeled off a piece of skin from the abdomen and extracted both eyeballs for skin and cornea transplant experiments.

Dr. Peng cut off a piece of the shank bone for bone transplant experiments. The corneas and shank were used in scientific research in related departments of Nongken Hospital and were not transplanted.

As soon as the extraction surgeries were completed, the ambulance started. In 3 hours, they got to the hospital where other medical personnel were in full readiness to receive the kidneys. The kidneys were transplanted immediately. The surgeries were performed by professor-ranked surgeons from the Sun Yat-sen Medical University in Guangshou Municipality.

The charge was 20,000 renminbi per procedure. Both procedures were successful. One of the patients was a female cadre from a farm. The other was self-employed. Both kidneys survived.

In all my years as a doctor in China, I heard of only one case in which kidneys were donated by the patient's family members. From what I heard, all other organs came from executed prisoners.

Thank you very much.

[The prepared statement of Dr. Zhou appears in the appendix.]

Mr. WU. The second doctor is Dr. Qian Xiao Jiang.

STATEMENT OF QIAN XIAO JIANG, FORMER PHYSICIAN, ONCOLOGICAL DEPARTMENT, ANHUI MEDICAL UNIVERSITY HOSPITAL, PEOPLE'S REPUBLIC OF CHINA

Dr. QIAN. Mr. Chairman, first of all, I would like to thank you for your invitation. My testimony is about kidney transplantation in China.

I spent 5 years finishing my medical study in China from 1977 to 1982. I became a physician in China until 1990. In 1990, I left China. The total time spent would be 13 years. During the 13 years, I was in two medical schools and then several hospitals, so I had access and am familiar with the situation of transplantation surgery in China.

The first time I heard about kidney transplantation is when I was studying at Bangpu Medical College. It is attached to the hospital where they performed the kidney transplant. It was the first case for this hospital. This was supervised by Dr. Li. The reason

why I know this is Dr. Li's son was my roommate, who also was studying the same classes as I. He told me the kidney came from an executed prisoner. This was the first time I heard. I was kind of shocked.

In 1991, I came to the United States. For some reason, I wrote an article about a kidney transplantation in China. This one was published in a Chinese journal. It is called Press Freedom Guardian. This is based on my brother's experience and other doctors. This went back to 1984. This is my brother's statement:

In the spring of 1984, I was a registered surgeon at Anhui Province Hospital in Anhui Province. I was on rotation in the urology department. Of the 40 beds allowed to the department, ten were for kidney failure patients. As I was in the department, approximately 20 persons had kidney transplant surgery performed.

As far as I know, almost all of the transplanted kidneys came from executed prisoners. Kidneys were in short supply. Furthermore, kidney transplant surgery was still in the infant research period. Patients were meticulously screened before surgery.

The director of the Urology Department was very active in Anhui Province. Due to his multiple connections in the Anhui Province Department of Public Security, he knew something about the death row prisoners in Anhui.

At that moment, we knew there were two young prisoners in the area, one in Huainan City and the other one in Hefei City. At that moment, it was thought the younger the age of the kidney donors, the better for the transplant.

The Urology Department assigned Dr. Yao and my brother to take the blood samples from the death row prisoner in Huainan City for chemical test and immunological test. The two other doctors went to Hefei City for the other blood sample.

We contacted the prison authorities when we were driving to Huainan City. The following morning, we were received at the prison by the prison cadre, a prison doctor and a young soldier. I do not recall the prisoner's name. I do remember he was sentenced to death for plundering and killing a 70-year-old woman.

We were to take the blood sample in a small place in the office. It was the first time I ever saw a death row prisoner in handcuffs and the leg irons. He was about 19 years old. He was obviously nervous.

The cadre said something to him, then pointed to us and then said that we were sent by the province Public Security Bureau to check his health. He said that we would take a sample of your blood for a chemical test. You must cooperate.

The prisoner had no immediate reaction. He looked at our box of syringes and the test tubes. When I took the syringe out of the box, he seemed to have realized something. He suddenly stood up and screamed something like no.

The two soldiers behind him were prepared for this. They pressed him down into his chair. I was frightened by the prisoner's desperate expression. The prisoner doctor took the blood sample.

The death row prisoner's blood was incompatible with the two recipients on the waiting list. The other two doctors were lucky. Not only did they take the blood sample without a problem, but they also found out that another young prisoner was about to be sentenced to death. The blood tests showed that both death row prisoners were fit for the kidney transplant. The department decided to perform the surgeries.

The kidney extraction and the transplant surgery were performed on the same day. That day, the department assigned me to remain in the hospital and prepare the impending surgery while others went to the execution site to extract the kidneys. They came back later in the day.

In the operating room, everybody was whispering excitedly. I have forgotten many of the things discussed that day, but I remember three things. One, prior to the execution, the condemned prisoners were given anti-coagulant shots, but one of them struck the desk and several needles were bent.

One prisoner's family wanted to claim the corpse. They learned where the execution site was and were waiting there. When the family came to the site, it was hard to decide whether the execution was to take place at another place, so the surgical team lost a lot of time.

The firing squad allowed the surgical ambulance to park 100 meters away from the execution site. After shots were fired, the surgeons had to carry the corpse over to the ambulance.

From 1985 to 1988, I went to Shanghai for a master's program in clinical immunology. Immunology is very key for almost all the organ transplantations, so I do have access to the surgeons who took part in this process.

According to the claims of the Shanghai No. 1 People's Hospital, the urology department of Shanghai No. 1 People's Hospital, and the director is Dr. Xie, this department was the largest kidney transplant surgery center in eastern China. It had more than 20 beds and performed an average of 20 kidney transplantations annually. Most of the kidneys came from executed prisoners.

Another hospital is Changzheng Hospital. It is also in Shanghai. It is attached to and affiliated to the Shanghai Military Medical University. Its urology department has a capacity of performing five to ten kidney transplantations annually. I heard also most of the kidneys come from executed prisoners.

Also, in China it is not necessary to make electroencephalograms to determine if the prisoner is brain dead or not before extracting his organs. As scientific research demands, the executed prisoner's organs are extracted for research purposes. One doctor told me what happened to him. His research is closely related to my job. A part of that project is to extract the human spleen.

It was around the spring of 1987. He extracted an executed prisoner's spleen. According to what he said, when the prisoner was placed in the ambulance, he could feel trembling and a pulse in his limbs. Everything from the prisoner's kidneys, spleen, heart and the corneas were extracted. He used the word "empty."

I know for a fact that some Americans also traveled to mainland China for kidney transplantation 3 years ago. I know a female in California had her kidney transplantation in mainland China, Quangdong Province.

To conclude, I believe that without the use of organs from executed prisoners, over 90 percent of China's transplant surgeries would be unthinkable. Traditional Chinese conceptions preclude people from donating part of their bodies.

In China, using the prisoner's organs for kidney transplantation is an open secret. Whenever a patient comes to the hospital, the first reaction no matter what will be wait for the guy to be shot.

[The prepared statement of Dr. Qian appears in the appendix.]

Mr. SMITH. Thank you very much for your very disturbing and compelling testimony, which I think will be very helpful again as we try to get a greater handle on the abuse of human rights in China.

I was just wondering, to your knowledge, are executions timed to coincide with the donors being in the country to receive the kidneys or some other part of the body? Harry?

Dr. QIAN. To my knowledge, I do not know. Everything is according to medical procedure. Two weeks ahead of the execution, you need to take the blood to do the blood test, the immunological blood matching test.

I do not know, unless maybe Mr. Wu can tell you something.

Mr. WU. I learned from the Americans because at UC-Berkeley there was a conference about organ transplants, and I was one of the participants. I learned the procedure.

With so-called brain death, the doctor has to, using a machine, see the wave on the screen. If they dismiss——

Mr. SMITH. The point I am trying to get at is whether there is a coordination with potential recipients of donated—and donated is probably not the right word—organs. They fly into the hospital, fly to China, and that is when the officials, working in tandem with the doctors, would perform the execution and extract the organs?

Mr. WU. Yes. They inform the doctor and arrange it. There is a correlation between the Public Security and the hospital. They have a special section in the hospital. They call it the Science Research Department.

Mr. SMITH. Do any of the doctors consider this to be unethical?

Dr. QIAN. I am sorry?

Mr. SMITH. Do any of the doctors with whom you have contact with inside of China consider this use of prisoners and their organs to be extracted to be unethical in any way or wrong?

Dr. QIAN. I am sorry. I missed your question.

Mr. SMITH. The question is do any of the doctors with whom you have contact with consider the use of prisoners and the extraction of their organs to be unethical or wrong?

Dr. QIAN. Oh, I know. Like me, I was singled out. The first time I could not say no. My brother had the same experience. We were just kind of shocked.

However, everybody does not like the way. You have to do that sometimes. You do not have a choice if you want a job in the hospital. I do not know how to say in this testimony, so I have no comments on the Chinese doctors.

Mr. WU. So far, I never heard any doctor inside China thinking this is unethical and refused to do everything, something like that. Basically they are thinking we are using the waste and helping the other people. The Chinese say this is charity business.

Mr. SMITH. I do want to thank this very distinguished panel for coming forward and presenting this testimony because this is one side of the abuses of human rights that we had not heard until, Harry, you came and presented this. As a matter of fact, several weeks ago, when I first saw that video you played today, I was devastated to see what was going on.

Even though I am against capital punishment, I know there are people who conscientiously take both sides of that issue. But I think we would agree that using it as a way of advancing a political agenda certainly is an abuse of human rights.

As you pointed out, in the French Revolution the use of the guillotine was a way of making examples of people, a way of getting a certain point across to the masses. I think the point was very well taken.

This only demonstrates how far this dictatorship is willing to go to advance its agenda, and I think you have highlighted an area that had not been focused on before. We are very much appreciative of this.

Mr. WU. Mr. Chairman, we showed the videotape in the United Nations Human Rights Commission in Geneva, and then the Chinese ambassador had a response in the French newspaper. He said a couple of thousand executions to a 1,300,000,000 population means nothing. You see how many people are killed in car acci-

dents in Europe. This is in the newspaper. This makes no sense at all about human rights.

Can I ask? I have a demand. I learn from the Chinese documents that they really care about their international image. Newsweek made a serious report, and they issued an order to stop the public execution.

If your committee can have a resolution to condemn the public execution in China, maybe it has an impact on that. I pretty firmly want to ask. I do not want our Chinese children to have that kind of opportunity to see the kind of brutality performed. Please stop that. I am not talking about whether those crimes are political or non-political. I do not want our Chinese children to see that kind of things, the killing of people. I cannot accept it.

If you had some resolution, maybe it will have an impact. The Chinese Government will maybe issue another order saying stop that. That is fine. They are even secretly killing more than that. That is another issue. No public execution as a performance to scare the other people.

Mr. SMITH. That is an excellent idea, and I think it is something we can proceed with. Because of your testimony on the Laogai, for the first time ever Congress passed significant language in H.R. 1561 which specifically condemns.

I offered it, and it was from what we had learned from your testimony and the information you were able to provide us. I think it is very useful to bring some light and scrutiny to this egregious practice. Thank you for the idea.

Mr. WU. Thank you.

Mr. SMITH. I would like to say thank you to our distinguished witnesses for their testimony. As I told the previous panel, we will try to make this information as widely available to Members of Congress before the official record is bound and published so that they can benefit from your very valuable insights.

This hearing is adjourned.

[Whereupon, at 6 p.m., the subcommittee was adjourned, subject to the call of the chair.]

APPENDIX

Statement of Rep. Frank R. Wolf (R-VA)
Before the House International Relations Subcommittee
on International Operations and Human Rights
June 18, 1996

China's Most-Favored-Nation Trade Status and Human Rights

Thank you Mr. Chairman and members of the subcommittee for the opportunity to testify before you today.

Last year, I introduced a resolution to disapprove President Clinton's decision to extend Most-Favored-Nation trading status to the People's Republic of China (PRC). I later voted to table it. Why?

Because, after negotiating with Chairman Bereuter of the House Subcommittee on Asia, Rep. Pelosi and others, I believed that we had crafted a piece of legislation which would, for the first time, unify the pro-MFN and anti-MFN forces and send a strong message to China. The U.S.-China Policy Act was an attempt to put Congress on record in a unified way about the problems in the U.S.-China relationship and force administration accountability for its failed policy. Had the bill been enacted, for the first time ever, the U.S. Congress would have gone on record in support of China's democracy movement. In exchange for this legislation (which passed the House with an overwhelming vote of 416-10), I voted to table my own resolution, in effect, voting to give MFN to China for another year. Unfortunately, this bill was not pushed in the Senate and it died. China got MFN and avoided criticism.

And what happened this year?

We learned that Chinese state-owned companies with close ties to the Chinese military were attempting to smuggle AK-47 assault weapons into the United States for use by violent L.A. street gangs. Guns that could kill American boys and girls.

We learned that these same smugglers were willing to sell to the same violent gangs hand-held surface-to-air missiles -- Red Parakeets -- powerful enough to shoot down a 747 jumbo jet. These missiles can be launched from shoulder holsters and are also capable of taking out tanks.

We learned that the Chinese government sold ring magnets for use in enriching uranium and M-11 missiles to Pakistan. We also learned that the Chinese government is supplying nuclear technicians and equipment for a Pakistani plutonium reprocessing plant which in the words of Bill Triplett, a former counsel to the Senate Foreign Relations Committee, would provide "one stop shopping for nuclear war, courtesy of the Chinese."

We learned that China sold patrol boats to Iran and that Chinese companies are helping the Iranian government build poison gas factories.

We learned that China is making deals with Russia to buy SS-18 missiles.

26-406 - 96 - 3

We have obtained more evidence that babies are dying of neglect, deprivation of medical care and starvation in Chinese state-run orphanages. We saw pictures of starving children tied to their cribs to die.

We hear that the persecution of Christians and other people of faith is intensifying. The Chinese government issued strict new religious guidelines in January, that Chinese religious officials have vowed to pull up house churches by their roots and that Chinese Christians are experiencing the worse persecution since the pre-Deng period of the late 1970's. We learn that the Public Security Bureau is circulating an arrest warrant with the names of 3,000 names Protestant Evangelical Christians.

We continue to hear case after case of Chinese Christians being arrested, detained, imprisoned, and sent to labor camp for practicing their faith. The number of such cases are increasing.

Christian churches are being bulldozed and that students and teachers who refuse to join China's "official" Catholic church are purged from schools.

The Chinese government is brutally suppressing Muslim protestors in the Western province of Xinjiang.

Repression in the region of Tibet has intensified and that in 1995, 50 percent more Tibetans were arrested for political offenses than in the previous year. The Chinese government is giving out longer sentences for political offenses in Tibet, has tightened control over nunneries and monasteries and demanded declarations of loyalty from thousands of Tibetan people.

We continue to hear stories of Tibetans being tortured in prison by electric shock, severe beating, self-tightening handcuffs and by being forced to assume difficult and painful positions. We received reports that Tibetan monks and nuns are required to strip off their clothes before beatings and are routinely raped in jail.

We learned that the Chinese government had arrested and detained American human rights activist Harry Wu.

China's human rights abuses continue unabated. Public executions are a standard way of keeping the masses in line and that prisoners are shot in the back of the head with a pistol at point-blank range in front of thousands of observers.

We know that when these prisoners die, doctors are standing by to take out their kidneys or corneas which are then sold to foreign buyers for transplantation for as much as $30,000 a piece.

We continue to hear reports that population officials force women to have abortions to keep the population down and deny medical and care and economic opportunity to families that refuse to abide by this draconian policy.

China has not dismantled the laogai, a system of gulags larger than that which existed under Stalin's Soviet Union but which same the same purpose -- to brainwash through backbreaking labor and brutal conditions.

China has not fully complied with the 1992 Memorandum of Understanding requiring that U.S. officials be allowed to inspect prisons suspected to use slave labor to manufacture goods for exports. We know that these goods continue to come into the United States;

China has blatantly disregarded the 1995 intellectual property agreement and that Chinese factories continue to rip off American technology, software, and other copyrighted material.

We know that almost all leaders of China's democracy movement are either in detention, in labor camps, in exile or under house arrest. Those who have supposedly been released from jail are still subjected to intense surveillance and restrictions of movement and speech. We watched as China's most prominent dissident Wei Jingsheng was sentenced to 14 years in prison; Chen Ziming's medical parole was revoked; and Wang Dan disappeared without a trace. Human rights observers say this is the worst time for dissidents since the immediate aftermath of the Tiananmen Square incident.

So Mr. Chairman, what improvements have we extracted through our current policy? The answer is none. In all three areas of concern, human rights, proliferation and trade, the situation has worsened..

It seems to me that Congress and the administration has failed to learn from history. Nobody on this subcommittee or in Congress would have gone down to the floor and voted to give MFN to the Soviet Union when Natan Sharansky was in Perm Camp 35 or Andrei Sakharov was under house arrest. It would have been unthinkable.

Two weeks ago, five prominent Chinese dissidents, many of whom had been student leaders in Tiananmen Square, came to Congress with this message: Western pressure works. When Western pressure is applied firmly and consistently, prison conditions got better. When Western pressure is applied firmly and consistently, the tight reins of repression were loosened.

Yet, today, there are some in this Congress and the administration who now advocate giving China permanent MFN. Do we ever learn?

I wrote to Dr. Elena Bonner, the wife of Andrei Sakharov and an esteemed human rights activist, to ask her advice on this important issue: How does giving MFN to China look to those around the world? Her response is attached.

In my view, unconditional MFN is the backbone of a failed U.S. policy toward China.

How much will it take for this Congress to wake up and focus on the threat that China's actions pose to our national security, our belief in democracy and our continued economic prosperity? How long do we want to continue helping China create a powerful economy and a powerful military unchecked by political transparency and a rule-of-law based system?

There is no evidence that unconditional MFN is advancing U.S. interests with regard to China. I cannot support it this year and neither should this subcommittee.

Statement of Dr. Elena Bonner on MFN Status for China

I believe it is dangerous to grant the most favored nation status to China, while mass-scale violations of human rights are taking place there, confirmed by many authoritative international human rights organizations.

The United States possesses only one real mechanism for protection of human rights in other countries -- granting or not granting such status. There should be no double standards in this issue and there should be no double standards for protection of human rights no matter in which part of the world.

More than 20 years ago Andrei Sakharov has addressed the U.S. Congress with appeal to introduce the Jackson-Vanik amendment and by doing this to confirm commitment of your country to the human rights cause. Today, I dare to warn American legislators against hasty refusal from the Jackson-Vanik amendment. By giving up this amendment, the U.S. Congress, in my mind, is going to lose completely its influence on human rights situations in any part of the world and will practically admit that protection of human rights is no longer a matter of priority and a long-term goal of the Congress and the U.S. people.

Elena Bonner
June 17, 1996

Representative Nancy Pelosi

Subcommittee on International Operations and Human Rights
Hearing on MFN and Human Rights in China

June 18, 1996

Mr. Chairman, thank you for inviting me to testify before the Subcommittee on a very important issue, human rights in China. I commend you for your commitment, dedication and unwavering leadership on promoting human rights around the world. Today's hearing is but one example of your unrelenting efforts to promote freedom, democracy and basic human rights.

This hearing occurs at a critical time. As we all know, MFN season is upon us once again. Since President Clinton delinked trade from human rights in 1994, the annual Congressional debate over whether China should receive Most Favored Nation trade status has been our best, in fact our only forum, for reviewing the state of the U.S.-China relationship. Human rights in China is, and should be, one of the cornerstones of this relationship. Today, you are providing the opportunity to revisit the human rights situation in China and Tibet, to ascertain if any progress has been made and to determine if the policy is working.

I can tell you without a doubt that the policy is not working. You have many distinguished witnesses testifying here today who will give you documentation on the worsening state of human rights in China and Tibet. I commend them for their ongoing efforts to shine the public light on a terrible situation, for their continuing fight to assist those fighting for freedom and basic human rights. Their expertise and in some cases their willingness to expose themselves, their friends and families to danger in order to document the continuing egregious

violations of human rights in China and Tibet is inspiring and I look forward to their presentations.

It is important to note for the record that according to the State Department's own Annual Reports on Human Rights Practices for 1995, as well as Amnesty International, Human Rights Watch, the International Campaign for Tibet and other reputable independent human rights organizations, repression in China and Tibet continues. The State Department's own report documents the failure of "constructive engagement" to improve human rights in China, and notes that,

> "The experience of China in the past few years demonstrates that while economic growth, trade, and social mobility create an improved standard of living, they cannot by themselves bring about greater respect for human rights in the absence of a willingness by political authorities to abide by the fundamental international norms."

It is clear that as the Beijing regime consolidates its power by increasing its foreign reserves through trade and the sale of weapons, China's authoritarian rulers are tightening their grip on freedom of speech, religion, press and thought in China and Tibet.

Today we hear comparatively little about those fighting for freedom in China not because they are all busy making money, but because they have been exiled, imprisoned, or otherwise silenced by China's communist leaders. According to the State Department's report, "by year's end almost all public dissent against the central authorities was silenced." We cannot allow this to continue. If they are not allowed to speak out for themselves, we must speak out on their behalf. We cannot forget

the indomitable spirits of Wei Jingsheng, Bao Tong, Chen Ziming, Tong Yi, and the hundreds of thousands of others, known and unknown, who suffer under China's repressive regime.

Our great country is ignoring the plight of China's pro-democracy activists. In the process, we are not only undermining freedom in China, but we are also losing our ability to speak out for freedom and human rights throughout the world.

There is some reason for hope. I would like to bring to the attention of my colleagues here today an event held in San Francisco over the past weekend. Over 20 rock groups and other musical artists participated in a two day Tibetan Freedom concert to bring attention to the plight of the people of Tibet. Organized by the Milarepa Fund and the Beastie Boys, this concert was attended by over 100,000 young people who can take the message about Tibet to communities across this nation. The energy and enthusiasm of the concert participants was inspiring and demonstrates that the fight for basic human rights is being taken up by the younger generation. The participants in the concert, like the pro-democracy activists in China, are the future. Our cause will ultimately prevail, but we must keep up the fight.

The past few months have seen China act to intimidate the people of Taiwan in their democratic elections, diminish democratic freedoms in Hong Kong, crack down on freedom of religion by Christians in China and Buddhists in Tibet, and smuggle AK-47s into the United States via its state-run companies.

The MFN vote provides us with the only opportunity to demonstrate our concern about U.S.-China relations and our

determination to make trade fairer, the political climate freer and the world safer. I join you, Mr. Chairman, in your unwillingness to turn your back on these important principles.

Amnesty International Testimony

CHINA MFN: Human Rights Consequences

Before
the House International Relations Committee,
Subcommittee on International Operations and Human Rights

Presented by

Dr. William F. Schulz

Executive Director, Amnesty International USA

June 18, 1996

Amnesty International Testimony

China MFN: Human Rights Consequences

Before the House international Relations Committee, Subcommittee on International Operations and Human Rights.

Presented by Dr. William F. Schulz, Executive Director, Amnesty International USA

Thank you Mr. Chairman, and distinguished members of this committee. Amnesty International is pleased to testify in this hearing.

Although Amnesty International does not take a position on whether to link human rights with sanctions, we strongly believe that the protection of human rights should be an important part of the United States' foreign policy. Accordingly, we believe that when granting MFN status to any country, human rights conditions in those countries should be taken into account.

The human rights condition in China has worsened since the delinking of human rights and MFN in 1994. Despite this deteriorating situation, the administration proposes that China's MFN status be continued. The delinking has given a clear signal to the Chinese government that trade is more important than human rights considerations.

Despite rapid economic changes in recent years in China, which has led to increased freedom and some relaxation of social controls, there has been no fundamental change in the government's human rights practices. Dissent in any form continues to be repressed. Even high profile political prisoners like Wei Jingsheng have been sentenced without any hesitation.

Currently, there is a major anti- crime campaign going on in China. As a result over 600 people have been executed since the campaign started in late April. Thousands have been arrested and detained without charge or trial.

The delinking of MFN from human rights has not only given a wrong signal to China but also to the whole region. The message is clear, good trade relations in the midst of human rights violations is acceptable to the United States. When the administration is down- playing the importance of human rights, how can it expect governments to support any international sanctions against China? That was what happened at the last United Nations Human Rights Commission, where, with the exception of Japan, Asian countries failed to support a resolution cosponsored by the United states to censure China. It is imperative that the administration give clear signals in its bilateral relationship about human rights. Failing this, it will be difficult to achieve any goals in international fora.

We have already seen human rights violaters from around the world taking their cue from a perceived US abandonment of the issue of human rights in China. The Nigerian Government is notorious for its big-bucks public relations campaign in the US, particularly its use of paid full-page advertisements implying widespread support for the current dictatorship among some African-American groups. For example, one eight page color advertising insert that reportedly ran in 200 black newspapers in the US, contained the following statement attributed to an editor of the Chicago Crusader.

"You've got China, which has committed some of the worse human rights atrocities in the world, and there are no sanctions against that country"

The Nigerian government has jmoved quickly to take advantage of a perceived lack of US interest in human rights in China. How much longer will it take for other countries, who also have their high-priced PR firms, to turn this perception into a powerful weapon to defend themsselves against criticism or consequences for their actions?

We have released several reports detailing the grim situation, which includes torture, unfair trials, imprisonment of dissidents, mass executions and wide scale use of forced labor camps. The latest report, "China: repression in the 1990's - a Directory of Victims", lists nearly 2,500 names of Chinese Prisoners of Conscience and others suffering unjust detention or severe harassment.

Current Human Rights condition in China

China treats fundamental human rights with contempt. Despite the dramatic economic changes in China during the past decade, human rights violations continue on a massive scale. Many of the abuses

result from official policies and repressive legislation. Others are committed in breach of Chinese law itself as officials exercise their power arbitrarily and, often, with impunity.

Dissent and any activity perceived as a threat to the established political order are ruthlessly suppressed. Thousands of political opponents, human rights defenders and members of religious and ethnic groups are in jail, many simply for expressing their beliefs. Hundreds of thousands of people-possibly many more- are administerially detained, many in forced labor camps, without even being charged with a crime.

Torture remains endemic, causing many deaths each year. The death penalty is used extensively and arbitrarily to instill fear. More people are executed every year in China than in all other countries of the world combined. Social programs such as the birth control policy are administered in ways that allow for ill- treatment.

In several regions, home to some of China's many national minorities, people who try to express national, cultural or religious beliefs that are perceived as threatening to the state face repressive measures and brutal treatment by State officials.

The full extent of the repression in China cannot be known, as vast areas of the country have virtually no contact with the outside world and human rights monitoring by local or international groups is forbidden. What is clear is that anyone who crosses the authorities for any reason is not safe.

The quality of life for some people has improved in recent years, mainly as a result of China's rapid economic development. A growing entrepreneurial class is enjoying new riches and freedoms. In some areas, work units no longer exert the same control over everyday life. Lines of communication both internally and externally have expanded and new opportunities exist for foreign travel.

But the development has also created problems. Corruption has become rife. The gap between rich and poor has widened, creating new social tensions. An estimated 70 million people make up a "floating" population of rural migrants seeking work in the cities. They are frequently blamed by the authorities for China's social ills, particularly for raising the level of crime, and then victimized in sweeping crackdowns on crime.

China's economic modernization program has had little impact on the country's formal political structures. The government is still dominated by the Chinese Communist Party (CCP). The National People's Congress, the country's legislature, still has little power, and the judiciary remains under the influence of the CCP. Despite some new laws aimed at redressing human rights violations, there is no sign of any fundamental change in the official human rights policy or in aspects of the legal system which foster abuses.

China's increasing openness to the world through trade has not been matched by international cooperation on human rights. The government maintains that human rights are largely a matter of State sovereignty, arguing that no one has the right to interfere in its internal affairs. It rejects the vital principle, established by international law and the practice of all states working collectively in the UN, that the promotion and protection of human rights are matters of international concern.

The world cannot ignore what is happening to a fifth of its people. What happens in China is an important measure of the state of human rights internationally. The international community must insist that the Chinese government takes urgent steps to protect the fundamental human rights of all China's citizens. Such measures can mean the difference between freedom and incarceration, or even life and death, for any of China's 1.2 billion people.

The Law and Abuse of power

Arbitrariness prevails in the enforcement of law in China. Every year, countless numbers of people are detained without charge in breach of law or sentenced without trial to years of "re-education through labor" at the discretion of police or local officials. For those who are charged, sentences are frequently imposed after unfair trials, with the verdict decided beforehand. In many cases such verdicts carry the death penalty.

The Chinese legal system, like all legal systems, supports the established political and governmental institutions. But it does not do so in a way that is consistent with the rule of law and fundamental human rights. The rule of law is subordinate to higher political goals, including the defeat of perceived political enemies. The vagueness and contradictory provisions of the law lead consistently to its arbitrary use and provide wide scope for the abuse of power. Repressive criminal legislation and the

extensive system of administrative detention mean that any one can be detained at the whim of individuals in a position of power. The judiciary lacks independence and the judicial process is subject to interference by political authorities.

Many debates were provoked in Chinese academic and legal circles about the "rule of law" versus "rule by people". In recent years some scholars have advocated far-reaching legal reforms. In 1994, for example, detailed "viewpoints" for reform of the criminal law were given by academics at a national symposium and published in the national newspaper, the Legal Daily. They included recommendations on reducing the scope of the death penalty and giving more severe punishments to state functionaries who committed "crimes of dereliction of duty"-in other words, who abused their power.

The authorities have made some responses to the call for legal reform. The State Compensation Law , adopted in May 1994, gives citizens the right to seek compensation against infringements of their legal "legitimate rights and interests" by state organizations or functionaries. The Prison Law, adopted in December 1994, reiterates the prohibition of torture and ill-treatment of prisoners already in the Criminal Law. Some provisional regulations concerning complaints against the police, promulgated by the Public Security Ministry in January 1995, grant citizens the right to present suits or appeals directly to public security bodies for violation of the law or "dereliction of duty" by police officials and public security bodies.These reforms however, do not fundamentally change the system which allows for arbitrary detention and imprisonment. A vast array of laws and regulations continues to be used to detain or imprison political opponents or to warn potential dissidents against opposition. The laws also contain procedural provisions which foster other human rights violations.

Law as a tool of political repression

The Chinese authorities claim there are no political prisoners in China. People routinely imprisoned because of their political views or beliefs are categorized as "counter-revolutionaries", administrative detainees or common criminals. In January 1995, for instance, a Ministry of Justice official was cited as stating that 2,678 prisoners convicted of "counter-revolutionary" offences were currently in jail. Amnesty International believes that this figure represents only a fraction of the real number of political prisoners. It excludes many thousands of people who are jailed for political reasons but convicted of other offences, or held under various forms of administrative detention without charge or trial, or detained for long periods for investigation pending trial.

China had virtually no criminal legislation until 1979, when the Criminal Law and Criminal Procedure Law (CPL) were adopted. Drafted during a period of "liberalization" after the massive abuses of the Cultural Revolution, the new laws introduced in principle some protection for individual rights. However, they also contain provisions which make human rights violations an inherent aspect of the legal system.

The Criminal Law contains a section on "crimes of counter revolution", defined as all acts "committed with the goal of overthrowing the political power of the dictatorship of the proletariat and the socialist system". It provides for punishments ranging from "deprivation of political rights" to the death penalty for 12 "counter-revolutionary" offences. The provisions which are most often used to jail prisoners of Conscience.

The State Security Law, adopted in February 1993, and the Detailed Rules for Implementing the State Security Law, adopted in May 1994, both include provisions which restrict fundamental freedoms. Since 1991 a growing number of people whom Amnesty International considers to be Prisoners of Conscience, including journalists, have been arrested and sentenced on charges of "leaking state secrets".

The two major forms of administrative detention which cause widespread human rights violations in China are "shelter and investigation" and "re-education through labour". Both clearly breach international human rights standards, notably the principle that no one may be kept in detention without being given an effective opportunity to have his or her case heard promptly by a judicial or similar authority. They also violate rights guaranteed by other international standards, including the right to be held according to the law and the right of access to lawyers and families.

"Shelter and investigation" is a form of preventive detention. It allows the police, on their own authority, to detain people without charge for up to three months, merely on the suspicion that they may be involved in crime. It bypasses the procedures for arrest and detention provided for in the CPL and is imposed by the police without any judicial supervision or review.

Some detainees held for "shelter and investigation" are subsequently assigned a term of "re-education through labor", a punishment imposed by local government committees for up to three years,

renewable by one year. They are not charged with a crime or tried, and have no access to a lawyer and no chance of defending themselves.

Some Chinese legal scholars and judicial officials have challenged the legality of these two forms of detention, arguing that they conflict with China's criminal legislation which should prevail over executive decrees. They have also pointed out that there is a chaotic maze of contradictory official documents and regulations concerning both forms of detention, and questioned the legal status of some of them as they are not published. Legal scholars have also criticized the two forms of detention as being the source of many abuses, including torture.

There is also arbitrariness in the criminal process. People who speak out are arrested without any due process. The right to be presumed innocent before being proved guilty is a fundamental principle of international law. Countries are free to develop their own trial procedures, provided they fulfill minimum standards for fair trials set out in international law.

International standards require a trial without too much delay that is open to the public except in very limited circumstances, adequate time and facilities for the accused to prepare a defence and to consult a lawyer of the defendent's choice, and the right during trial to cross-examine witnesses and hear evidence from defence witnesses.

In China, the determination of guilt and sentence is usually decided outside the trial court by committees subject to political interference. An independent and impartial judiciary is the cornerstone of right to fair trial in international law. Judicial independence however, does not exist in China.

Imprisoning those who speak out

Anyone who speaks out in China is likely to suffer violations of their human rights. Some are punished under sweeping legislation that virtually outlaws any expression of dissent. Others are victims of officials who abuse the law and their authority to silence or intimidate those who try to defend their rights. Time and again the authorities have demonstrated that they are willing to use any means, whether legal or illegal, to protect the established order, particularly when confronted by rising levels of criticism.

Thousands of people have been jailed over the past decade for advocating political reforms or forming small political groups. Many have been detained following the 1989 crackdown and have received long prison sentences for "counter-revolutionary" offences. Amnesty International has identified nearly 3,000 people who have been detained for political reasons since 1989.

The total number of people detained on such grounds is believed to be much higher. Only a small proportion of those arrested can be identified and, because of the severe control imposed by the authorities over information concerning human rights issues, only a tiny fraction of arbitrary arrests are reported. Many of the victims are prisoners of conscience.

One official trade union exists in China, the All China Federation of Trade Unions (ACFTU). It is the only trade union allowed to represent workers. Those who attempt to organize independent labour groups or to stand up for workers' rights have been imprisoned or detained without charge.

In May 1989, during the pro-democracy movement, groups of workers in various cities formed the Workers Autonomous Federations (WAFs) as an alternative to the ACFTU. The WAFs was short-lived as it was banned by the authorities following the 4 June 1989 crackdown, and their organizers have since been arrested and prosecuted on ordinary criminal charges. Since 1989, there have been other attempts to form independent trade unions or labour rights groups. Again, the organizers have been jailed.
Information about peasants in China who have had their basic human rights violated is extremely rare. Details are usually reported outside the victims' villages and few cases have been fully documented. However, many instances of peasants being beaten or illegally detained by local officials come to light in 1993 when widespread rural unrest broke out in several provinces. In Sichuan, Henan, Anhui and eight

other provinces, large numbers of improvised peasants staged angry protests against local levies and officials' abuse of power

Many other people who are seen by the authorities to be stepping out of line are targeted for human rights violations. Some are victims of repressive laws; others fall foul of officials exercising arbitrary power. In China's "autonomous" regions, members of ethnic groups live under the shadow of repressive rules and regulations and deny them the right to peacefully express their national, religious or cultural aspirations and allow officials to flagrantly abuse human rights. The same shadow hangs over people belonging to religious groups that are not authorized by the state. Every single family in China is affected by the birth control policy, which is enforced in ways that encourage coercion and abuse by officials. Such laws and practices contribute to a climate of fear in which no one feels safe.

Tibetans

Gross violations of human rights have intensified in the Tibet Autonomous Region (TAR) since a resurgence of demonstrations and other activities in favour of Tibet's independence began in September 1987. Amnesty International does not take a position on the political status of Tibet, its concerns rest with the authorities' denial of free speech and association in the region, and the persistent pattern of gross violations of other fundamental human rights in connection with the suppression of the nationalist movement.

Thousands of Tibetan nationalists have been arbitrarily detained and many have been tortured. They have been imprisoned for peaceful activities such as displaying the Tibetan national flag, distributing pro-independence posters and leaflets, expressing opposition to Chinese rule in Tibet in private conversations and possessing audio, visual or written material by or about Tibet's exiled spiritual leader, the Dalai Lama.

Many journalists have been among those imprisoned and tortured. Hundreds of monks and nuns, some of them novices as young as 13 have been jailed for staging small and peaceful demonstrations around the Barkor circuit in Lhasa, during which they shouted pro-independence slogans. Between 1987 and 1989 dozens of demonstrators were killed by the security forces during public protests, some of them in circumstances which amount to extrajudicial executions.

In early March 1989 martial law was declared in Lhasa and remained in force for more than a year. It was imposed during large-scale protests in favour of independence which included violent confrontations with security forces. Over a thousand people were reportedly detained. Official sources acknowledged only 400 arrests and in 1991 reported that 218 Tibetans involved in pro-independence demonstrations had been sentenced by the courts or "sent to receive re-education through labor" between September 1987 and April 1991.

Following the lifting of martial law the authorities imposed new restrictions on public assembly. Arbitrary arrests continued. In early 1995 at least 650 political detainees were being held in Tibet, according to unofficial sources. Most were prisoners of conscience- Buddhist monks and nuns detained solely for their peaceful expression of support for Tibetan independence. Some were held without charge or trial, while others were serving long prison terms imposed after unfair trials. Many were reported to have been tortured.

In recent years discontent has grown in rural areas in Tibet, resulting in an increasing number of protests in villages. This has led to the arbitrary detention of more lay men and women than in previous years, most of them accused of putting up illegal posters, staging demonstrations or organizing underground groups.

In 1994, new security measures were introduced to prevent nationalist demonstrations and limit the scope of religious activities. The sale of photographs of the Dali Lama was banned, as was possession of them by government employees. CCP members in the TAR and most government officials who were not party members were told to remove any signs of religion from their homes.

In September 1994, the authorities published new regulations on security, targeted mainly at people engaging in "splittist" (nationalist) activities, which established a new body to oversee security in all institutions and enterprises, including temples and monasteries. The implementation of these measures apparently provoked protests in monasteries and elsewhere, which are immediately suppressed by the security forces, notably by raids on monasteries and nunneries.

Arrests of monks, nuns and lay people have continued throughout 1995. Many were detained in the TAR and Gansu province after allegedly promoting Tibetan independence. Some were arrested in connection with events organized by the authorities on 1 September to mark the 30th anniversary of the establishment of the TAR. Others detained earlier in the year continue to be held. They include Chadrel Rimpoche, a former abbot of Tashilhunpo monastery, who was arrested in mid-May in connection with a dispute over the recognition of a young boy as the reincarnation of the Panchen Lama, the second highest spiritual leader in Tibet. Chadrel Rimpoche is reported to be in poor health.

Muslim Ethnic Group

Members of various other ethnic groups have been subjected to human rights violations in connection with demands for political independence, respect for cultural identity or religious freedom. The best documented reports about such violations concern the Xinijiang Autonomous Region. There are other regions in which there is believed to be a similar pattern of abuses but such information is extremely hard to gather.

Xinjiang is one of the five autonomous regions of the PRC where the officially recognized "national minorities" exercise a degree of self-government in theory. Ethnic Chinese or Han, form about 38 per cent of the Xinjiang population of about 15 million, according to official 1990 census figures. Turkic peoples, including Uighur, Uzbek, Khalkhas and Kazakh, are the main officially recognized "national minorities" and together comprise about 56 percent of the population. The Turkic peoples of Xinjiang are predominantly Muslim.

Most human rights violations in Xinjiang have been connected to the restriction of religious activities, the repression of nationalist demonstrations and the suppression of underground opposition groups. In recent years, the authorities have reported on several occasions that they had crushed "illegal organizations" in Xinjiang, which allegedly aimed to "split the unity of the motherland", such reports were made in 1990 about groups in Yili, a Kazakh prefecture in northern Xinjiang, and in Baren, a Uighur county in the Akto district, south of Kashgar, in western Xinjiang.

Following violent clashes between demonstrators and the security forces in Baren in April 1990, the authorities imposed a severe crackdown on opposition. Several thousand people were reportedly arrested across Xinjiang. More than 200 people, most of them peasants, were arrested in Baren for involvement in the clashes and many were reportedly tortured. Some were said to have had teeth and limbs broken as a result of beatings in detention and all were reported to be in extremely harsh conditions.

Large-scale arrests of Muslim nationalists are also reported to have been carried out in Xinjiang and other areas in the west of China following sporadic unrest since mid-1993. These include mass arrests in Kashgar of people who had reportedly taken part in a public demonstration of grief at the death of a venerated mullah and Islamic scholar in August 1993. Other arrests were made later that year in Kashgar following bombings allegedly carried out by Muslim nationalists.

In October 1993, the authorities crushed two months of anti- Chinese protests by thousands of Muslims in Xining, Qinghai province. As in other incidents, the protests were triggered by the publication of a book which included a picture some Muslims found offensive, but soon turned into nationalist demonstrations. The authorities stormed a mosque which had been occupied for several weeks by the protesters and arrested over a dozen people. They were reported to have been sentenced, but no further information is available.

Religious groups

Persecution of religious groups has followed a substantial religious revival in China over the past 15 years. In the Christian community, much of the expansion has been in religious groups that conduct their activities outside the Protestant and Catholic churches recognized by the government. Many peaceful but unregistered religious gatherings have been raided by police, and those attending have been beaten, threatened or detained. Many of those detained are required to pay heavy fines as a condition for release. Those regarded as "leaders" are usually kept in custody and either sentenced to prison terms or administratively detained without charge or trial.

Police raids on religious gatherings organized by independent groups have continued during the past year, with hundreds of Protestants and Catholics reportedly detained as a result. More than 200 Christians were reported to have been detained in Xihua county, Henan province, between October 1994 and June 1995, in what appears to be a crackdown by local police on unregistered protestant house-churches. Forty of those arrested in June were still in custody one month later. Most of those detained in previous raids were released after paying heavy fines.

Other people arrested for practising their religion include more than 30 Roman Catholics who were arrested in Jiangxi province in April 1995 in connection with the celebration of Easter Sunday Mass on Yi Jia Shan mountain in Chongren county. Many were reportedly severely beaten by police at the time of arrest.

Arrests of Christians have continued in variousprovincessince then. Those held reportedly included 300 people detained in June 1995, after police raids on house- Churches in Anhui province. Most were released after paying fines between 800 and 1,000 yuan, but several house- Church leaders reportedly remained in custody in September 1995.

Human Rights violations resulting from the birth control policy

Amnesty International does not take a position on the official birth control policy in China, but it is concerned about the human rights violations which result from it. More specifically, it is concerned at reports that forced abortion and sterilization have been carried out by or at the instigation of people acting in an official capacity, such as family planing officials, against women who are detained or forcibly taken from their homes to have the operation. Amnesty International considers that in these circumstances such actions amount to torture or cruel, inhuman and degrading treatment.

Many people, especially women, have suffered violations of their most fundamental rights as a result of China's birth control policy. Birth control has been compulsory since 1979. The government argues that population control is essential for China's modernization and food security. Government demographers have set a target for the stabilization of the population at 1.3 billion by the year 2000, which they claim can only be achieved through "strict measures".

The policy involves controlling the age of marriage and the timing and number of children for each couple. Women must have official permission to bear children. Birth control is enforced through quotas allocated to each work or social unit (such as school, factory or village), which fix the number of children that may be born annually. In most regions, urban couples may have only one child unless their child is disabled, while rural couples may have a second if the first is a girl. A third child is "prohibited" according to most available regulations. Abortions are mandatory for unmarried women as well as for migrant women who do not return to their home region. Local party officials (carders) have always monitored the system, but since 1991 they have been held directly responsible for its implementation through "target management responsibility contracts". Cadres may face penalties if they fail to keep within quotas.

The authorities in Beijing initially exempted ethnic groups with populations of less than 10 million from the one- child policy and even from family planing more generally. It is clear, however, that controls have been applied to these groups for many years, including the more stringent sanctions for urban residents. There have also been reports since 1988 of controls extending to enforcement of one- child families, in particular for state employees. Currently, as with the rest of the population, specific regulations and their implementation are decided by "Autonomous Regions and Provinces where the minorities reside".

Couples who have a child "above the quota" are subject to sanctions, including heavy fines. In rural areas, there have been reports of the demolition of the houses of people who failed to pay fines. State employees may be dismissed or demoted. Psychological intimidation and harassment are also commonly used to "persuade" pregnant women to have an abortion. Groups of family planning officials may visit them at night to this end. In the face of such pressure, women facing unwanted abortions or sterilization are likely to feel they have no option but to comply.

Torture and impunity

Torture is often used as an instrument of political repression. While the authorities might in some instances bring to justice those who torture common criminal suspects, they never do so in political cases. Dissidents with a high international profile may enjoy some protection, but for ordinary members of groups targeted by the state, torture is an everyday risk. Hundreds of political detainees were tortured in the months following the government's crackdown on the 1989 pro-democracy movement. Torture and ill-treatment of prisoners in China's penal institutions result largely from the official penal policy.

The safeguards against torture in Chinese law are manifestly inadequate and anyone arrested or detained is valnurable to such treatment. These actions indicate that the government's approach to investigating and prosecuting cases of reported torture is arbitrary and inconsistent, offering impunity to many torturers. They also show that China is failing to uphold its obligation as a State Party to the UN

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture).

Torture occurs not just as an incidental breach of the law, as the Chinese authorities claim, but as a result of institutionalized practices and official policies. Acknowledgement of "guilt" is as much a part of the penal system as it is of the criminal process, and efforts to compel it lead to many abuses. The authorities, however, acknowledge some of the abuses.

"Torture to extract confessions" is explicitly prohibited by Chinese law. The authorities investigate some cases and prosecute some perpetrators. In 1994, for instance, they reported that 409 cases of "torture to extract confessions" were investigated. But the law is enforced in an arbitrary way. For every case investigated, there are countless others which are ignored or covered up by officials. For certain categories of "offenders", the law offers no protection at all. Torture and ill- treatment are used as instruments of repressive state policies.

Torture is inflicted on political and common criminal prisoners alike. Anyone is at risk if they cross the authorities. People who were not suspected of any crime have been tortured because they became involved in disputes with police and other officials, or because they attempted to defend their rights. The victims come from all walks of life and include children and the elderly. Those most vulnerable are the less educated or less previledged, such as peasants, the unemployed and vagrants.

The torturers are usually police officers belonging to the public security agencies, or personell from other security and judicial agencies, such as prison officials. Local CCP or government officials, judges and prosecutors have also been involved in torture. "Cell bosses" or "Prison trustees"- prisoners who are entrusted by prison officials to supervise other prisoners- are often allowed to abuse prisoners at will and carry out the wardens' instructions to "teach a lesson" to "resistant" prisoners. Their cooperation is rewarded by privileges, such as by the reduction of their sentences. Former prisoners say the system of "cell bosses" allow prison officials to deny responsibility if a prisoner makes a complaint, suffers injury or dies as a result of ill- treatment. In such cases, prison officials usually blame a fight between prisoners or support the perpetrators' claim that the victim's injuries were self- inflicted.

The most common forms of torture include severe beatings with fists or a variety of instruments, whipping, kicking, the use of electric batons which give powerful electric shocks, the use of handcuffs or leg- irons in ways that cause intense pain, and suspension by the arms, often combined with beatings. Some torture methods have resulted in death.

Other common forms of torture or cruel, inhuman or degrading treatment include incarceration in tiny or dark cells without heat, ventilation or sanitation; handcuffing for prolonged periods; exposure to intense cold or heat; deprivation of food or sleep; and being made to sit or stand without moving for long periods. Some of these methods are applied simultaneously. In many labor camps and prison factories, prisoners work and living conditions amount in themselves to cruel, inhuman and degrading treatment, with prisoners being required to carry out heavy labor for long hours and facing punishment if they do not fulfil work quotas.

Torture continues in China because of inadequate legislation, the lack of legal guarantees for prisoners' rights and the impunity extended to many torturers. The patterns of torture across China and the authorities' failure to introduce effective measures to combat it or acknowledge and impartially investigate torture allegations suggest that torture often results from institutionalized practices and official policies. By allowing torture to continue, China is failing to live up to its international responsibilities as a signatory to the Convention against Torture. Under the Convention against Torture, China is legally bound to criminalize all acts of torture.

Under the Convention against Torture, China is obliged to investigate whenever there are reasonable grounds to believe torture has taken place and to prosecute those responsible. However, few judicial investigations into torture allegations are instigated by the Chinese authorities compared with the high incidence of torture that is reported. Moreover, the climate of impunity is encouraged by frequent cover- ups by the authorities.

Death Penalty

Amnesty International opposes the death penalty without reservation in all cases, on the grounds that it is the ultimate cruel, inhuman and degrading punishment and violates the right to life as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments.

The Chinese authorities have long used the death penalty extensively. They have also continued to expand its scope- from an original list of 21 offences under the 1980 Criminal Law, the death penalty now applies to an estimated 68 offences. It is also applied arbitrarily, frequently as a result of political interference. There are hardly any safeguards to prevent miscarriages of justice. Thousands of people are sentenced to death every year, often following grossly unfair and summary trials. Many of them are executed shortly after sentencing, usually by a single shot to the back of the head. In 1994 Amnesty International recorded more than 2,780 death sentences and 2050 executions- three times as many executions as in the rest of the world.Amnesty International has long been concerned about the extensive use of the death penalty in China and about many of the ways it is applied. These include the lack of safeguards to prevent miscarriages of justice, the use of summary trial procedures in some death penalty cases, the parading of condemned prisoners while they await execution and the use of organs from executed prisoners for transplants.

United States Policy

Clinton administrations human rights policy towards China is confusing and weak. On one hand MFN was granted without concern for human rights, on the other hand a resolution at the UN Human Rights Commission was cosponsored. When President Clinton decided to de-link human rights and most favored nation trading status, he promised a "continuing aggressive effort in human rights", but to this date we are unable to identify any aggressive effort by the administration. The administration is aggressive only in a "trade war" with China. Amnesty International is unaware of any "Human Rights War" waged by this administration despite, worsening human rights situation in China.

When delinking human rights from MFN, President Clinton proposed a new human rights strategy, which included establishing voluntary codes of conduct for businesses, increased support for NGO's in China and increased radio broadcasts into China. Amnesty International feels that the administration has done little to achieve these goals. If the administration is not fulfilling its own stated strategy, how can we expect it to aggressively pursue human rights in other areas?

It is very disturbing to note that the administration is increasingly giving low priority to human rights, while giving high priority to other issues. Very rarely, the subject of human rights is discussed in any bilateral discussions. It is with great reluctance that the administration raises the issue of human rights in international fora.

It is imperative that the administration construct a clear and strong human rights policy as part of US-China relations. It will send a powerful message to the international community about the seriousness of US human rights policy. Otherwise, a blow to respect for human rights would be dealt, if a major power such as China continues to practice egregious human rights violations with little price to pay.

Recommendations

1. In any discussion with China, human rights should be a main component.

2. Send a high level human rights delegation to China to discuss the latest upsurge of human rights violations.

3. Make sure that action is taken immediately to lobby the governments to support a resolution at the next UN Human Rights Commission to censure China.

4. Demand China to release information about the whereabouts of the six year old Gedun Choekyi Nyima, who was determined by the Dalai Lama to be the the next Panchen Lama of Tibet.

5. Demand immediate and unconditional release of Wei Jingsheng and Tong Yi.

6. Urge China to invite the UN Special Rapporteur on Torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the UN working group on arbitrary detention to visit China.

7. Urge China to allow independent domestic organizations and relevant international organizations to monitor the human rights situation in China.

8. Ensure that asylum seekers in the US are not forcibly returned to China if they may face arrest, detention, execution or forced abortion.

9. Demand immediate and unconditional release of any women who are detained or imprisoned solely because of their family connections.

10. Urge Chinese government to release the 2,500 Prisoners of Conscience and others whom Amnesty International identified as imprisoned unjustly.

FREEDOM HOUSE

FOUNDED 1941

WASHINGTON OFFICE
1319 18TH STREET, NW
SECOND FLOOR
WASHINGTON, DC 20036-1802
TEL: 202-296-5101
FAX: 202-296-5078

Bette Bao Lord
Chairman of the Board

CHAIR EMERITI
Max M. Kampelman
Leo Cherne

BOARD OF TRUSTEES
Ned W. Bandler
Mark Palmer
Vice Chairman

Walter J. Schloss
Treasurer

Kenneth L. Adelman
Secretary

Zbigniew Brzezinski
Mitchell E. Daniels, Jr.
Patricia Murphy Derian
William C. Doherty, Jr.
David Eisenhower
Malcolm S. Forbes, Jr.
Theodore J. Forstmann
Norman Hill
Samuel P. Huntington
John T. Joyce
Lane Kirkland
Jeane J. Kirkpatrick
Edward I. Koch
Morton M. Kondracke
Ann F. Lewis
Carnes Lord
Jay Mazur
John Norton Moore
Charles Morgan, Jr.
Peggy Noonan
Mark Palmer
Susan Kaufman Purcell
Richard Ravitch
Burns W. Roper
Donald Rumsfeld
Albert Shanker
Wendell L. Willkie II
Jacques D. Wimpfheimer
Andrew Young

Adrian Karatnycky
President

Frank Calzon
Washington Representative

TESTIMONY OF NINA SHEA, DIRECTOR
PUEBLA PROGRAM ON RELIGIOUS FREEDOM
FREEDOM HOUSE
before the
HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

June 18, 1996

Mr. Chairman, Freedom House congratulates the Subcommittee on International Operations and Human Rights of the U.S. House of Representatives for holding these hearings on China, and for putting China's human rights record under scrutiny. Freedom House has been asked to testify specifically on religious persecution of Christians in China. As a matter of policy, Freedom House does not take a position on whether or not the United States should extend Most Favored Nation trade status to China. We do, however, have suggestions on steps to promote a more open China, which are outlined later in this testimony.

The persecution of Christians in China and other repressive countries throughout the world has been the focus of our concern at the Puebla Program on Religious Freedom for ten years and was the topic of a conference Freedom House sponsored in January at which over 100 key Christian leaders and activists discussed strategies for ending the indifference of the West regarding this abomination.

Mr. Chairman, for over forty years the communist government of China has attempted to control and suppress Christian worship and activity using diverse strategies. In the past year, the government has expressed a new resolve and adopted harsher and more systematic tactics to carry this policy forward. The space allowed independent Christians has been drastically reduced over the past year. A new crackdown against independent religious expression was discernible late last year and continues to the present. While virtually all independent groups experience repression in China, Christians -- that is Protestant Evangelicals and Roman Catholics -- are the single group within China proper (excluding Tibet) that has suffered the greatest deterioration with respect to its human rights over the past year.

Communist ideological fervor has dissipated in China and Marxist economic policies have been overthrown in favor of capitalist ones. Nevertheless, China continues to persecute independent Christians, as well as other independent religious groups, for simple acts of worship and witness. China ranks at the

FREEDOM HOUSE
HEADQUARTERS
120 WALL STREET
NEW YORK, NY 10005
TEL: 212-514-8040
FAX: 212-514-8050

bottom of the 1996 Freedom House *Freedom in the World* survey among the "18 Worst Rated Countries" for political rights and civil liberties. The repression of Christians is part of a political climate in which human rights and democratic freedoms are routinely abused. "I think independently, therefore, I am guilty," remains the prevailing maxim. Pope John Paul II, in his annual address this year to the diplomatic corps for the traditional exchange of New Year's greetings, decried the oppression of Christians throughout the world and singled out China by name.

Why do the Communists in power in China, who have forsaken ideology in so many other respects, still repress independent worship? The answer is simple. The churches assert moral values that this government does not want to hear.

A fundamental moral teaching that is in conflict with Communist ideology is Christianity's belief in the inherent dignity of the individual. That is, individuals have rights by reason of the fact they are human persons; rights are not derived from or distributed by the State or political agents. The Christian view of the human person is informed by the teachings of the Bible. And in many Christian traditions a philosophy of natural reason has been developed in defense of the idea of the inalienability of human rights.

This tenet of human dignity and rights remains anathema to Communist authorities for it threatens their monopoly on absolute and unchecked political power. An understanding of this conflict helps explain why the Central Committee of China's communist party, in several recent documents circulated in Hong Kong, names Christianity in China as a principal threat to political stability.

The mechanism for Beijing's control of religion is the Religious Affairs Bureau, controlled by the Department for a United Front, which in turn is controlled by the Communist Central Committee. The Religious Affairs Bureau registers, oversees and controls all Christian churches within a framework provided by its Catholic Patriotic Association and the Three-Self Patriotic Movement for Protestants. Those operating independently -- such as the Roman Catholic Church and a vast underground network of Protestant Evangelical house churches -- are unlawful and their members liable for arrest and imprisonment on charges of "counter-revolutionary acts" or other crimes. In classic Orwellian newspeak, Beijing described its position on independent worship in a White Paper on Human Rights it issued on December 27, 1995, as follows: "In order to ensure that citizens really enjoy the freedom of religious belief, religious bodies and religious affairs are not subject to any foreign domination."

There are for sure righteous priests and laity who, seeing no alternative, worship within structures of the Patriotic Association. However, it is wrong to argue, as Chinese officials at times have, that the Patriotic Associations are not meant to control religious activity nor are intended to supplant free churches. In a

May 31 letter to Congressman Benjamin Gilman, Cardinal Ignatius Kung, the highest ranking Catholic priest of China and who was imprisoned for 32 years for his faith, puts to rest any doubts about the true repressive nature of the religious Patriotic Associations:

> "As the most senior priest of the Roman Catholic Church in China, I have an intense interest and the responsibility to see a Catholic Church united under 'one fold and one Shepherd' in China. One cannot hope to achieve true unity by supporting the so-called 'Patriotic Association' or its parallel structure known as 'China Catholic Bishop's College,' which is a pseudo Church controlled totally by the Chinese government. . . . The Chinese government started persecuting the Catholic Church over 40 years ago when the present totalitarian government took over its brutal control of the country and its people. Failing to destroy Roman Catholicism through persecution, the Chinese government created in 1957 the 'Chinese Catholic Patriotic Association' (CCPA). The motive, therefore, of establishing CCPA is to propagate widespread deception of its real intent, which is to replace the Roman Catholic Church and all other religions with government agencies to control religion rather than to respect true freedom of religion as other civilized states do."

Since July, the Religious Affairs Bureau has been headed by communist hard liner and atheist Ye Xiaowen, who is now implementing a fierce campaign to stem the growing tide of Christian belief in China. To give a flavor of Ye's mentality, I quote an excerpt from an article he authored in the Chinese publication, *Renmin Ribao,* on March 14:

> "Religion is no trifling matter. Handling religious affairs is of a strong political, policy, and mass nature, therefore requiring political, policy, and mass awareness. We must adopt an 'especially discreet,' 'very vigorous,' and 'circumspect' attitude toward these issues, as suggested by Lenin. If, with a lapse of attention, they are not handled properly, it may undermine social stability, reform and opening up, and the overall interests of economic construction."

Following Ye's appointment, at least four prominent Roman Catholic bishops have been arrested and detained; three remain in detention at this time. Hong Kong-based Evangelical preacher, Rev. Jonathan Chao noted the downward trend facing the independent churches, reporting in his March newsletter that "China is tightening control over religious activities this year as a result of the government's concern about the growth in evangelical Christianity, traditional religions and links between Christians and democracy activists." On January 14, authorities renewed their drive to register all religious meeting places. Evangelicals have been targeted throughout the country, but with particular intensity since the spring in Shanghai and in Anhui province where authorities have "resolutely recommended" reeducation through labor for principal members of independent churches "whose misdeeds do not warrant criminal punishment."

The current word on the street among Evangelicals is that local authorities are being pressed hard to round up all Evangelicals for registration or arrest. Police have vowed to "hit and eradicate" five Christian-based religious groups operating in Anhui, according to China's *Public Security Bureau News* newspaper. American Bible missionaries report that this is now the most repressive period for them than at any time since the pre-Deng period in the late 1970s. An American Bible missionary who returned from China earlier this year said that an arrest warrant with the names of 3,000 Evangelical preachers is being circulated by the Public Security Bureau. Many house church leaders have argued that to register with the government would compromise their religious faith by giving ultimate authority to the state.

For Chinese Protestant preachers, Catholic priests and other Christian leaders toiling outside of government-controlled organizations, China is one of the world's most dangerous spiritual vineyards. China is holding more Christian prisoners than any other country in the world. We do not know the actual numbers because its judicial and penal systems are closed. The State Department's *Country Reports on Human Rights Practices for 1995* relate two incidents from last spring alone in which 140 Evangelicals were arrested in a round-up in Henan and 300 house-church Evangelicals were arrested en masse in Anhui province. The Puebla Program has in its database the names of approximately 200 Christian clergy and leaders alone, now imprisoned or under some form of detention or restriction for worshiping within these independent churches. Roman Catholic priests are imprisoned for celebrating Mass, and administering the sacraments without state authorization. Protestant Evangelical preachers are arrested and tortured for holding prayer meetings and distributing the Bible without state approval.

Two recent examples of the persecution against Christians in China -- one involving Protestant Evangelicals and the other involving a Catholic priest -- give vivid testimony to the ferocity of the new policy trend against Christians:

- Five Chinese Protestant Evangelical women were arrested in mid-March and are detained in western Xinjiang Province following a brutal government crackdown on a house-church in Zhaosu county. Seventeen Christians were arrested in the raid, but 12 of them were released after the five women came forward to take responsibility for the gathering. Reportedly, police severely beat many of the Christians and poured scalding water on those who resisted orders. One woman in her early 30s lost her front teeth after being repeatedly struck in the face by the police. In recent months, Chinese authorities have broken up other Christian gatherings in Xinjiang Province, a predominantly Muslim region, where Christianity has been growing steadily.

- Reverend Charles Bo Le Guo, a 58-year-old Roman Catholic priest from Shanghai, was sentenced without a trial on January 4, 1996, to two years' imprisonment at a "reform through labor" camp. Father Guo was arrested

on November 1, 1995, while celebrating Mass on a boat for about 250 fishermen. He was officially charged with conducting "illegal religious activity," including: offering Mass, administering the Sacrament of the sick, establishing underground evangelical church centers, organizing catechetical institutes and teaching Bible classes. These pastoral activities were stated to be punishable "crimes," in the "decision letter" announcing the sentence issued by the Reform Through Labor Management Committee, (which was acquired and publicized by the Connecticut-based Cardinal Kung Foundation). Significantly, "boycotting the Patriotic Association" was also listed in the bill of particulars against the priest. It is worth noting that Cardinal Kung, himself was imprisoned for over three decades for precisely refusing to join the Patriotic Association. Previously, Father Guo was imprisoned for a total of 33 years for his faith.

A few other examples of prisoners in China's Christian gulag follow:

- Dai Guillang, a 45-year-old Evangelical preacher was sentenced to (and is now serving) three years without a trial for propagating the book of Genesis.

- Gao Feng, a 27-year-old Christian employee of Chrysler's Beijing Jeep joint venture, was rounded-up with dissidents prior to the UN Fourth World Conference on Women and sentenced in December to two years of "reeducation through labor" for authoring protest petitions. He is now being held in a labor camp in far north Heilongjiang province where he is forced to toil ten hours each day in rice fields, and shares a cell with eight common criminals and three other political prisoners, according to reports from the Evangelical press, *Compass Direct* and the *Washington Post*.

- Zheng Yunsu, the leader of the popular Jesus Family religious community, is serving a 12-year prison term at the Motorcycle Factory Labor Camp near Jinan city for "leading a collective life" and holding "illegal" religious meetings. His four sons are also serving hard time after they made inquiries into his case with authorities in Beijing.

- Bishop Zeng Jingmu, the 76-year-old Roman Catholic Bishop of Yu Jiang, is in jail after being arrested from his home in late November, and suffering from a serious case of pneumonia he contracted during another imprisonment earlier in the year. He was recently informed by Chinese authorities that he will remain in detention for three years without a trial.

- Rev. Vincent Qin Guoliang, a 60-year-old Roman Catholic priest, is serving a two-year sentence of "reeducation through labor" on charges that have not been made public. He has been forced to do

hard labor, mostly at the No. 4 brick factory in Xining, since his initial arrest in 1955 for refusing to repudiate association with the Vatican.

- Rev. Liao Haiqing, a 68-year-old Roman Catholic priest in Jiangxi province, was arrested in August 1995 and is being denied medication for his heart condition and high blood pressure. He has previously served a ten-year prison term.

Mr. Chairman, on January 24, a few days before Ambassador Jim Sasser took up his new post in China, I and other NGO representatives met with him and discovered he was completely unaware of the Protestant Evangelical house-church movement in China (the largest Christian movement outside the U.S. -- with up to 100 million members) and the repression it faces, though he was properly briefed about repression of Tibetan Buddhists and other human rights victims of the Chinese government.

The meeting with Ambassador Sasser indicated that one of the most serious human rights problems in China today, and one that stands out for having worsened during the past year, is not sufficiently registering on the State Department's radar screen. Religious liberty is a bedrock principle that animates our republic. The U.S. must take a strong and convincing stand to assert this core value, as well as other fundamental human rights.

In America, the level of knowledge about Christian persecution in China is abysmal. Foremost, our political leaders and envoys must become informed themselves and wage an aggressive education campaign so that everyone can do his part to augment freedom for not only Christians, but for all Chinese citizens.

Freedom House has consistently rated the Chinese regime as among the world's very worst violators of human rights. China's economic boom, combined with its size, resources and military power, now make it a formidable player on the international scene. Its government's willingness to abuse the religious and other rights of Chinese citizens, to flout international law, to use the threat of force, and to directly challenge U.S. and Western interests, makes it a dangerous player.

Freedom House believes that the United States cannot afford to abandon its leadership role in promoting human rights, democratic governance and the rule of law abroad. Whether one looks at international relations from a moral, economic or security standpoint, one thing is clear: in the long run, governments that trample political rights and civil liberties in their own countries are not truly stable, do not make good trading partners and may harm U.S. interests abroad when this suits what is invariably their main aim-to retain their grip on power.

At a minimum, Freedom House urges the U.S. government to do the following to promote human rights in China:

- Ambassador Sasser should be given a full briefing on the persecution of Christians in China, and be instructed to meet regularly with willing members of the independent churches in China.

- The U.S. should issue instructions to consular officials acknowledging the mounting evidence of religious persecution and instruct them to provide diligent assistance when the victims of religious persecution seek refugee status.

- The U.S. should issue instructions to consular officials to issue visas for religious study and other exchanges with members of the independent churches of China. We were shocked to learn that the U.S. has denied student visas to seminarians of the banned Roman Catholic Church, though they are given regularly to the seminarians of the Patriotic Association.

- The U.S. should issue instructions to senior officials engaged in trade or other international negotiations with China to vigorously object to the on-going religious persecution by the Chinese government.

- The U.S. should encourage a voluntary effort on the part of U.S. companies doing business in China, such that Communist Party and official trade union agitation and control will not be permitted in the workplace. This would include banning Party operatives from discussing and enforcing China's draconian one-child policy and not tolerating the operation of popular tribunals in the workplace, allowing Chinese employees to form voluntary prayer groups on company premises, and allowing them to have access to library facilities and any connections to the Internet in order to promote freedom of information.

- The United States should expedite the process of getting Asia Pacific Network (Radio Free Asia) on the air and enlarge its funding. The amount budgeted for Radio Free Asia for fiscal year 1997 is $10 million. Even if the entire amount were to be devoted to China, which it is not, the broadcasting would not be equal to the task. Ten million dollars is approximately the amount that Radio Free Europe spent annually during the final years of the Cold War on Bulgaria, with a population of less than nine million. No serious surrogate radio station can carry out its mission at such an inadequate funding level as that budgeted for the Asia Pacific Network.

- The State Department's Human Rights Bureau should issue more carefully researched, and more full documented reports on the facts and circumstances of anti-Christian and other religious persecution in China. The discussion of Freedom of Religion in China is weakened by the State

Department *Country Report's* failure to mention the name "Roman Catholic Church," which, as I already noted, is banned in China, referring to it instead as the "unofficial" Catholic Church. In so doing, the *Country Reports* mislead. Also, the *Country Reports* fail to note the downward trend in religious freedom faced by all independent Christian groups during 1995. This is a regrettable oversight and allows for only a dim understanding of the extent of religious persecution in China today.

- Finally, the U.S. should expand funding for key institutions such as the National Endowment for Democracy and others, which have played such a powerful role in strengthening civil society and democratic institutions in other countries around the world.

At Freedom House's January conference on the Global Persecution of Christians, the National Association of Evangelicals issued "A Statement of Conscience and Call to Action," in which it vowed to break their own silence on the mounting evidence of global Christian persecution and urged the U.S. government to adopt 14 reforms to ensure that this issue is accorded appropriate concern in U.S. foreign and immigration policy. This document, which has been adopted by the Episcopal Church of America and the Southern Baptist Convention, is an important addition to the dialogue on China's deplorable human rights practices and U.S. foreign policy. Freedom House urges this Subcommittee to give careful consideration to this important document, which we submit for the record.

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
COMMITTEE ON INTERNATIONAL RELATIONS
UNITED STATES HOUSE OF REPRESENTATIVES

HEARINGS ON CHINA MOST-FAVORED-NATION (MFN) TRADE STATUS:
HUMAN RIGHTS CONSEQUENCES

Testimony of Professor James V. Feinerman
Georgetown University Law Center

Tuesday, June 18, 1996

Mr. Chairman and Members of the Subcommittee:

Thank you for holding these hearings and for providing an opportunity to present my views on this critical topic. The issue of extending Most-Favored-Nation (MFN) trade status for the People's Republic of China (PRC) provides a focus for considering the importance of human rights concerns in formulating United States policy towards the PRC. Despite the difficult choices which must be faced, including human rights violations and continuing hardships for certain Chinese individuals, I believe that it would prove counter-productive for the United States to deny an extension of MFN. Even the expedient of making extension conditional upon demonstrated improvements in the Chinese human rights regime, which may prove unacceptable to the PRC government, is unlikely to improve the lot of those whose human rights are being violated today. In the long run, de-linking our trade and other foreign policy interests from our interest in the promotion of human rights in China will best serve the interests of the peoples of the United States and the PRC, for reasons which I outline below.

Current Conditions in the PRC. At the outset, it is important to note that in the seven years following the imposition of martial law in Beijing and Tibet and the massacre in and around Tiananmen Square in 1989 there has been general improvement in China's human rights climate. With the important exception of certain dissident individuals and groups viewed as an ongoing threat to the regime, most Chinese individuals during the early 1990s have experienced a vast relaxation of the controls that have governed their lives since the Communist Party came to control the mainland in 1949. Even the dissident community has seen occasional instances of leniency, although ironically, the little positive change that has occurred has mainly been in response to previous threats of withdrawal of China's MFN status or otherwise to influence the policy debate in the United States and other democracies over Chinese human rights. Despite restrictive post-Tiananmen legislation threatening to curtail freedoms of the press, speech, assembly and demonstration purportedly guaranteed by the 1982 PRC Constitution, most PRC citizens enjoy more of these freedoms than at any time since 1949.

The Human Impact of Economic Change and Prospects for Human Rights Improvements in the People's Republic of China. When China opened the door a crack to private entrepreneurship in the late 1970s, individuals long under the thumb of China's Communist Party officials at long last began to have some ability to control their own fates. Today, China's dramatic economic growth is the result of the efforts of millions of privately owned enterprises and reforming, semi-privatized state and collective enterprises. Just a few years ago, *Reader's Digest* profiled four private entrepreneurs in an article entitled, "Freedom's Pioneers," recognizing this surprising development and its implications for China's future. These vignettes, describing the lives and experiences of a carpenter in southeast China, a cook in Beijing, a chemical engineer in Hubei and a photo processor in Beijing, all emphasize the same important message. Economic change in China over the past decade and a half has enabled a significant segment of the Chinese populace to achieve more than a modicum of economic liberty and resulting personal freedom. They can throw off the shackles of their state-assigned jobs, their controlling *danwei* (all-powerful "work unit") and the petty bureaucrats who previously ordered their lives. This, in turn, opens the door to greater political liberty and even activism. Indeed, the public display of anti-government sentiment in Beijing and elsewhere in China in the spring of 1989 was largely funded - and often initiated - by such individuals. Putting them out of business by denying China MFN will be more than counterproductive; at this stage in China's reforms, it could prove disastrous.

Similarly, the police-issued residence permit (*hukou*) no longer serves as an indispensable passport to everything from food rations to job placement, housing or employment. Market-oriented reforms have so undermined the *hukou* system that the Chinese government is unable to exercise the demographic, political and economic control it enjoyed from 1949 until the early 1980s. In a dynamic economy, the leadership has little choice but to allow a freer flow of workers to service China's booming economy. This increase in labor market mobility comes at the expense of social control, as migrant laborers swarm into China's coastal cities and provincial centers. One bit of evidence of the system's breakdown: scores of "most-wanted" student activists and dissidents managed to slip through the yawning gaps of the *hukou* net to escape from China in the aftermath of the 1989 crackdown. Deng Xiaoping's famous 1992 trip to the south of China and contemporaneous call for sustaining and replicating the economic growth of that region proved merely the final nail in the coffin lid of a crumbling system. An army of anywhere from 100 million to 200 million migrant laborers now provides the lifeblood of China's economic boom, drawn to jobs in the export-oriented coastal regions of China. Their continued employment, and the attendant freedom it allows them to enjoy, depends upon PRC access to overseas markets.

Most significantly, China's dissidents - within China and abroad - are virtually unanimous in <u>their</u> opposition to revocation of MFN. They understand the crucial linkages between China's enjoyment of MFN status, along with access to U.S. export markets, and the increase in personal liberty that results from concomitant economic growth. With virtually one voice, these individuals - many of whom have suffered grievously at the hands of the Chinese state and the Communist Party - urge the U.S. to resist the impulse for momentary gratification which will cause long-term suffering among their fellow countrymen. Deputy Secretary of State Strobe

Talbott, when he wrote in an earlier capacity about the 1992 debate over MFN for China, stated, " Politicians are quick to embrace simple positions on complex issues that make them feel good and look good - but in fact make a bad situation worse."[1] As other China specialists have observed, "China's leaders would suffer little from the withdrawal of MFN. Millions of Chinese people would."[2] That single fact argues, in the face of claims to the contrary, against withdrawing China's MFN. A more nuanced policy, building on existing relationships, promises true "comprehensive engagement."

Without any prospect that withdrawal of MFN status for China would lead to significant human rights progress in the near future, circumstances in the PRC indicate the wisdom of continuing extension. Conversely, in the light of demonstrated gains for a significant portion of China's population resulting from its current MFN status argues against withdrawal or conditioning.

The Uses of MFN Status. Many argue that MFN is the normal course of economic relations between the United States and other nations and should not be "politicized"; indeed, some have advocated finding a new term such as "normal trade relations (NTR)" to replace the misleading impression created by the "most-favored-nation" formulation that such status is unusual and granted by special dispensation. Since 1974, the Jackson-Vanik Amendment to the Trade Act of 1974[3] has permitted the restoration of MFN status to "non-market economies" only if those countries permit substantially free emigration of their citizens. Only when the President reports to Congress that such a country is not in violation of the freedom-of-emigration provision of the Jackson-Vanik Amendment and neither house of Congress disapproves of the President's report can MFN be extended or restored. In practice, grant of MFN status to a country under the Jackson-Vanik Amendment becomes mostly automatic after the initial determination, except in the case of China where the coincidence of the annual renewal date with the anniversary of 1989's brutal crackdown re-opens old wounds.

While there is precedent for denial of MFN status to previously "favored" nations on human rights grounds (Poland in 1982, and Romania in 1987), it may be worth considering, in the light of subsequent developments in both of those Eastern European countries where denial of MFN was linked to human rights abuses, whether MFN denial - as opposed to longer-term domestic developments - significantly influenced political change.

Evidence of the Failure of Past Threats to Remove MFN. Many who have argued for extension of China's MFN status maintain that denial endangers the ascendancy of the reformist

---

[1]. Strobe Talbott, "How Not to Break China," Time, Aug. 3, 1992, p. 53.

[2]. Anne Thurston, *Washington Post Book World*, March 13, 1994, p. 1.

[3]. 19 U.S.C. Sec. 2432(a)(1-3).

faction in the Chinese leadership. Moreover, the international community cannot afford to isolate China. In practical terms, there has been much to show for the accommodationist policy towards China which both the Bush and Clinton administrations, as well as foreign governments, have urged and pursued. While it is easy to view China's political-prisoner releases as limited, long overdue and calculated to influence the policies of foreign decisionmakers, the repression of the immediate post-Tiananmen era has been successfully replaced by a greater openness, both within China and toward the outside world, than has ever existed in China before. With the exception of sensitive areas, such as Tibet, China is freer than at any time in its post-1949 history.

The economic and trade relationship between the U.S. and China reaches many more lives on both sides of the Pacific than does any other aspect of our bilateral relationship. Furthermore, I would be remiss in representing my own experiences as a scholar researching Chinese law and the former director of a national academic exchange organization if I did not also describe for you the remarkable opening of China to educational exchanges and greatly increased access for foreign researchers in recent years. More than two decades' hard work on the U.S. side has, particularly in the last several years, yielded new opportunities for both businesspeople and academics in China. For Chinese counterparts, the prospect of economic gain - and the promise that those gains can be enjoyed and controlled by the people most responsible for their realization - has resulted in a previously unimaginable opening.

According to available information, China demonstrated a generally responsible attitude in the international arena in consideration of both the moderation of foreign criticism and continuation of normal contacts. Despite reliable reports of missile sales, nuclear technology transfer to Pakistan, and saber- rattling with respect to Taiwan over the past year, this is more than counterbalanced by Chinese moderating influence on North Korea, agreement to join nuclear test ban and missile technology control regimes and more peaceful assertion of Chinese sovereignty claims in surrounding seas. Moderate leadership is obviously exercising its influence in these spheres, and China is emerging as a potential pillar of stability in the world community. In the East Asian area, China - former best friend and supporter of the two most menacing regimes in the region, North Korea and the Khmer Rouge faction in Cambodia - has ceased arming the Khmer Rouge and encouraged it to cooperate in international negotiations intended to improve the lot of that unhappy nation. Experience has taught that when China is engaged and feels part of the larger international community, it acts cooperatively; on the other hand, a China which feels beleaguered and friendless tends to lash out.

What Should Be the Response of the United States? Clearly, it has proven wise for the United States and other democratic nations to resist their initial impulse to take "symbolic" or "moral" stands related to human rights. President Clinton and his advisors, like President Bush and those close to him, remain convinced that they can work with the current Chinese leadership, and thus remain willing to continue China's MFN status. Their conviction, and that of many United States business leaders (and, perhaps more importantly, their staff in the PRC), is that United States withdrawal of MFN will not influence China's human rights policy in a positive direction and that profitable opportunities will be lost to our competitors in international

trade.

Even more problematic is the effect of denial of MFN on the economically advanced areas of coastal China and on Hong Kong and Taiwan. There is evidence that a large number of jobs would be lost in regions which have implemented economic reforms, pushed decentralization farthest and resisted the central government's hard line most staunchly. In Hong Kong, where a decade of investment in the PRC hinterland has inextricably bound the economy of Hong Kong with that of Guangdong province, export-related enterprises will suffer from the loss of MFN. Few of the economic benefits from foreign trade redound to the central government, which is increasingly losing its control over foreign trade activities of private and collectively owned enterprises. Similarly, Taiwan enterprises which have invested heavily in areas of the PRC directly across the Taiwan Straits could press further the point that revocation of China's MFN status would create hardships for entities which it is United States policy to support.

Conclusion. The challenge now facing the U.S. in the realm of civil and political rights and other related human rights is to achieve the same openness in the rest of China that we have gained in educational exchanges, paralleled by the striking accomplishments of China's economy. Since China is not a signatory to the International Convention on Civil and Political Rights, the U.S. would do well to emphasize China's obligations under those international agreements it has signed (such as the Convention against Torture and the Convention on the Elimination of All Forms of Discrimination against Women). Furthermore, China's domestic laws - beginning with China's 1982 Constitution - express in domestic Chinese legislation those universal values which are elsewhere enshrined in international human rights treaties and other nation's domestic laws. We need to increase the level and frequency - at the same time lowering the volume - of dialogue with China, bilaterally and multilaterally, over civil and political rights. Expanding current exchange relationships focused on economics, international relations and law can provide both an avenue for such dialogue and a base on which to build relationships with sympathetic audiences in China. For example, the United States would do well to support the long-term development of a broad-based legal order in the PRC, which would foster respect for both human rights and intellectual property.

The evolution of democracy - and improvement in human rights - in China will be a long, painful process. It depends primarily on economic growth, including greatly increased domestic investments in infrastructure, education and science and technology. The rise of a middle class in the PRC - as in Hong Kong, Singapore, Taiwan and South Korea previously - along with exposure to the outside world and moral support from the West will inevitably press for a more open political system. Ham-handed attempts to "impose" U.S.-style democracy on the People's Republic of China have been condemned not only by China's sclerotic leadership but by our friends and closest allies in Japan and East and Southeast Asia who know better. Australia's former Foreign Minister, Senator Gareth Evans, upbraided Secretary of State Christopher during his 1994 visit to Australia for U.S. threats at that time to revoke China's MFN. His point then, still valid today, is that public threats and simple nostrums are no substitute for the painstaking, protracted work of diplomacy and nation-building.

Human Rights Watch/Asia
1522 K Street, NW #910
Washington, DC 20005
Telephone 202-371-6592
Facsimile 202-371-0124
E-mail: hrwdc@hrw.org

HUMAN RIGHTS WATCH/ASIA
Sidney Jones
Executive Director
Mike Jendrzejczyk
Washington Director
Robin Munro
Hong Kong Director
Dinah PoKempner
Counsel
Patricia Gossman
Senior Researcher
Zunetta Liddell
Research Associate
Jeannine Guthrie
NGO Liaison
Mickey Spiegel
Consultant
Diana Tai-Feng Cheng
Paul Lall
Associates

ADVISORY COMMITTEE
Andrew Nathan
Chair
Orville Schell
Vice Chair
Maureen Aung-Thwin
Edward J. Baker
Harry Barnes
Robert L. Bernstein
Julie Brill
Jerome Cohen
Adrian W. DeWind
Clarence Dias
Dolores A. Donovan
Adrienne Germain
Merle Goldman
James C. Goodale
Deborah M. Greenberg
Jack Greenberg
Paul Hoffman
Sharon Hom
Rounaq Jahan
Virginia Leary
Daniel Lev
Betty Levin
Perry Link
Rt. Rev. Paul Moore, Jr.
Yuri Orlov
Victoria Riskin
Sheila Rothman
Barnett Rubin
James Scott
Maya Wiley

HUMAN RIGHTS WATCH
Kenneth Roth
Executive Director
Cynthia Brown
Program Director
Holly J. Burkhalter
Advocacy Director
Barbara Guglielmo
Finance & Administration Director
Gara LaMarche
Associate Director
Lotte Leicht
Brussels Office Director
Juan E. Méndez
General Counsel
Susan Osnos
Communications Director
Joanna Weschler
United Nations Representative
Robert L. Bernstein
Chair

Statement to the House Committee on International Relations
Subcommittee on International Operations and Human Rights
On Most Favored Nation Trading Status for China
By Mike Jendrzejczyk, Washington Director
Human Rights Watch/Asia
June 18, 1996

Thank you, Mr. Chairman, for inviting us to testify today on Most Favored Nation (MFN) trading status for China and the implications for human rights in China and Tibet. My name is Mike Jendrzejczyk, and I am the Washington director of Human Rights Watch/Asia (formerly Asia Watch), a private, independent human rights monitoring organization. Human Rights Watch has consultative status at the United Nations, and we have long been active in monitoring and reporting on human rights issues in China and Tibet.

In my testimony, I would like to comment on U.S. policy towards China and the current debate over renewal of MFN for another year. I will then present a brief summary of recent human rights developments in China and Tibet. Finally, I will make a few concrete recommendations for consideration by Congress and the Administration.

Whatever the outcome of the current dispute between the U.S. and China over intellectual property rights, I think it is fairly obvious that over the last two years human rights have taken a back seat to commercial and strategic interests in U.S. policy towards China. There has been a double-standard at work, as the Administration has threatened limited trade sanctions to protect commercial rights, but has abandoned economic pressure as a means to promote basic human rights in China and Tibet. This would be acceptable if other forms of pressure were available or effective but they are not.

In response to the pirating of CD's and videotapes, despite Chinese government agreements and assurances, the U.S. made it clear that Beijing risked paying a price for its actions. Yet when Wei Jingsheng was sentenced to fourteen years in prison -- in flagrant violation of China's international human rights obligations -- the Administration issued public protests, but went no further. No one was dispatched to Beijing to press for his release. Nor did the President or Vice-President intervene on Wei's behalf, as his family had requested.

26-406 - 96 - 4

Some have argued that Wei Jingsheng is one person and that U.S.-China relations should not be held hostage to a single case. But Wei Jinsheng is only the most prominent of thousands of people imprisoned for their beliefs, many of them the kind of courageous, outspoken leaders who could strengthen civil society in China, were they at liberty to do so. The Chinese gulag remains the most impenetrable of detention systems, and after international economic pressure on China dissipated with the unconditional renewal of MFN in 1994, all hopes of getting regular access to that system disappeared as well. There are those who point out that U.S. business is suffering as China is giving contracts to Japan and to European countries who do not lecture them about human rights, Taiwan, intellectual property rights and nuclear tests. The combination of those issues battering US-China relations is important -- human rights is only one issue in the relationship, and there is no reason to believe that going "soft" on human rights will lead to better business. On the contrary, if the U.S. shows it can be so easily bullied on human rights, it may face further bullying on other issues.

China's leaders have made rapid progress in shaking off the stigma of Tiananmen Square. Most of the sanctions imposed against Beijing since the June 1989 massacre and subsequent crackdown have been lifted, and Chinese authorities have used promises of access to China's markets and investment opportunities to insulate themselves from effective international pressure to improve human rights. The U.S. and other G-7 countries, lacking a coherent, multilateral approach for promoting human rights and the rule of law in China, have been subject to lobbying and manipulation as Beijing plays off one major trading partner against another. Though President Clinton delinked trade and human rights with the MFN decision in May 1994, China clearly has not. Beijing successfully used the prospect of a huge Airbus jet deal to silence the French government when Premier Li Peng visited Paris this past April: all references to human rights were deleted from the official toasts and speeches.

During months of intensive lobbying worldwide, China employed the carrots and sticks of trade and aid deals to line up votes at the U.N. Human Rights Commission in Geneva. In late April, a procedural motion was adopted by the Commission (by a vote of 27-20 with six abstentions), preventing a resolution mildly critical of China's human rights record from even being debated or voted upon. The Clinton Administration and the European Union deserve credit for cosponsoring the resolution, but its defeat underlines the urgent need for the G-7 leading industrial countries to develop a common human rights agenda and strategy that cannot be so easily undercut by Beijing's substantial economic clout.

U.S. Policy on China:

Mr. Chairman, in his speech on May 20, 1996 to the Pacific Basin Economic Council, President Clinton outlined a set of broad goals and objectives for U.S. China policy. He correctly noted that today, "China stands at a critical crossroads. Will it choose the course of openness and integration, or veer toward isolation and nationalism?...Our interests are directly at stake in promoting a secure, stable, open and prosperous China" that embraces and abides by international rules of behavior and "evolves toward greater respect for the basic rights of its own

citizens." We certainly would not disagree with those broad goals; isolating China would be in no one's interest. But we would strongly challenge the President's assertion that the administration's "engagement" policy, whatever its other merits, offers a viable strategy for helping to bring about improvement in China's human rights practices. With his decision on May 31, 1996 to renew MFN unconditionally, the President has rejected the use of economic pressure to promote human rights. One must question what tools the Administration has left or whether it has simply abandoned any serious attempt to address human rights at all.

The Administration intends to replace pressure with "frank dialogue." But what does that mean in practice? Criticizing the detention of Wei Jingsheng without making any concrete effort to bring about international access to Wei and other prisoners? Asking for information on lists of prisoners without thinking through any mechanism by which the Chinese government's response can be independently verified? There is no meaningful bilateral dialogue on human rights now underway, nor does the Administration seem to be giving much thought to what such a dialogue could or should achieve.

The Administration seeks to downplay human rights as a point of tension in U.S.- China relations, while setting the stage for more frequent and higher level contacts between the U.S. It is possible that an improved "atmosphere" may somehow moderate Beijing's abusive treatment of dissidents. It is equally possible that improved relations with the U.S. will convince the Chinese government that there is no cost to suppression of fundamental rights. We accept the premise that contact and diplomatic discussions can be useful. But again, toward what end? The State Department apparently refuses to use talks about a possible presidential summit -- probably the single most important political concession the U.S. can give to China -- to clearly define what it expects in terms of concrete human rights improvements by China *before* any such meeting can take place.

Finally, the Administration plans to increase trade with China and support Beijing's entry into the World Trade Organization (WTO), arguing that in the long term, "freer enterprise (will) fuel the hunger for a more free society." (Quote from the President's Pacific Basin speech.) But the Administration has also said it is opposed to any formal linkage between its decision on China's bid to join the WTO and human rights considerations, despite the fact that Beijing's observance of global trading rules is heavily dependent on its ability and willingness to enforce laws and carry out other basic human rights obligations.

Moreover, there is a fundamental contradiction in current U.S. policy. On intellectual property rights, the U.S. is willing to threaten limited, targeted trade sanctions of $2-3 billion, including increased tariffs on goods produced by state enterprises. These are the very kind of sanctions the Clinton Administration said in 1994 were legally questionable and practically infeasible to impose in response to severe human rights violations. (Ironically, an editorial in the state-run China Daily accused the U.S. of threatening tariffs over intellectual property rights as a "dirty trick" motivated by the failure of the U.S.-supported resolution on China at the U.N. Human Rights Commission.)

So what are we left with? In terms of human rights, the U.S. will focus on stimulating legal exchanges and legal reform in China -- a laudable enterprise, and later in my testimony I will offer an assessment of some recent legal reforms. But the State Department acknowledges that such efforts are in the very early stages of development and may have little impact on ending serious human rights abuses occurring right now.

Human Rights Developments in China and Tibet:

In the two years since the President's "delinking" decision, there has been no improvement in human rights in China and Tibet. Quite the contrary: in recent months, Chinese authorities have ordered increased surveillance of so-called "counter-revolutionaries" and "splittists" (Tibetans, Uighurs and other national groups) and given even harsher penalties for thus judged guilty of violating its draconian security laws. Just as China has largely succeeded in muzzling effective human rights criticism abroad, it has silenced most, if not all, of the important dissident communities inside China including political and religious dissidents, labor activists, and national minority populations. Their members have been exiled, put under house arrest, "disappeared," assigned to administrative detention, or subjected to economic sanctions and systematic discrimination in schooling and employment. Dissidents also continue to suffer criminal charges, long prison sentences, beatings and torture.

Without sustained, consistent international pressure on human rights, Beijing has little or no incentive to moderate or restrain its repressive policies.

Beijing's behavior seems related, at least in part, to the government's development strategy that has stimulated inflation, unemployment, and the withdrawal of the social welfare safety net for millions of Chinese citizens. This has led to increasing disparities between income levels and overall economic development in the southern and coastal areas and interior provinces, and between urban and rural areas. Corruption and higher levels of crime have added to the potentially volatile mix. In this environment, large numbers of strikes and labor stoppages, as well as peasant riots, have increased the government's and Communist Party's sense of insecurity and paranoia. Thus Beijing seems determined to crack down hard on any potential sources of instability or open political opposition.

China observers have noted that Deng Xiaoping's policies have created two separate but parallel Chinas. On the one hand, there is the "new China" of entrepreneurs, neon nightclubs, and luxury cars. But behind this bright facade is the "old China" of failing state-owned factories filled with angry workers; poor peasants in poverty-stricken rural areas; prisons where murderers and democracy activists are kept together; and an army and government of veteran revolutionaries can imagine no way to stability except through political repression. Will Deng's strategy of liberating economics while suppressing politics eventually lead to greater prosperity and openness, or will mounting internal pressures lead to a cycle of chaos and repression? This is the underlying question that must be addressed in devising policy towards China.

The Chinese government seems particularly sensitive at this time to the perceived threat posed by dissidents from different constituencies who might band together. It is also fearful of domestic critics building links with "hostile" organizations overseas, and even governments, to obtain support for alleged conspiracies against the government. This might help to explain the incredibly harsh fourteen-year prison sentence given to veteran pro-democracy activist Wei Jingsheng. It may also help explain Beijing's recent actions imposing further restrictions on freedom of expression and communications channels, such as access to the Internet and worldwide web.

Examples of recent Chinese government actions:

-- On May 28, 1996 the police detained Wang Donghai and Chen Longde. They searched Wang's house and seized various documents and papers in the southern province of Zhejiang. Along with five others, they had signed and circulated a petition to the National People's Congress demanding an end to corruption, a reversal of the verdict against the 1989 student movement, and calling for the release of prominent political prisoners such as Wei Jingsheng and Wang Dan. A former leader of the 1989 movement, Wang Dan was detained in May 1995 in conjunction with a similar petition to the government circulated last spring, and has disappeared since then. Over fifty people were detained in conjunction with the 1995 petition campaign; more than twenty are still imprisoned.

-- On May 27, 1996 Bao Tong, former Communist Party official and top aid to party chief Zhao Ziyang, was released from prison in Beijing after serving a seven-year term for "leaking state secrets" but was immediately taken out of the city where he has been kept under house arrest, subject to severe restrictions. It seems that the authorities are preparing to keep him isolated outside of Beijing; only a strong response from the international community can prevent this from occurring. His political rights remain suspended for another two years as part of the original sentence. Bao Tong, in his mid-60s, suffered from serious medical problems while in prison but the authorities refused his family's many requests for his early release on medical parole -- as well as quiet appeals from the State Department and White House.

On June 10, Bao Tong sent letters to thirty senior Chinese government authorities, including President Jiang Zemin, protesting his continued illegal detention and asking to be allowed to return home to his family. He issued a powerful appeal to the government, and to the broader outside world: "In this cage, there is no law, no lawyer, no telephone, no doctor, no newspaper...It is not just me being deprived of my rights by my family members as well, even though they are free citizens."

Last week, the State Department raised Bao Tong's case at a high level, noting that his detention "appears to be without legal basis," and publicly called on the Chinese government to allow him to return home to his family so that he can receive proper. We urge the Administration to continue making appeals on Bao Tong's behalf, on a bilateral basis and together with other G-7 governments.

-- On June 9, 1996 Ren Wanding, a leading pro-democracy advocate first detained in 1979 during the Democracy Wall movement, completed a seven year prison sentence for his activities in June 1989 and was released from Beijing Prison No. 2. But he was quickly taken out of the city by security officials to a seaside location for "a rest." He faces denial of his political rights for three years. His wife, Zhang Fengying, under pressure from the police, later insisted that Ren left Beijing under his own free will, but it has been impossible to verify this. She has been detained by police at least five times in the past due to her efforts working for Ren's release.

-- Persecution of released dissidents remains intense. One of them, Liu Gang, who served a six year prison sentence in labor camp, was released in June 1995. But he was under constant surveillance, required to give weekly "thought reports" to the police, forbidden to have contact with foreign reporters, and blackballed from both universities and job possibilities. The police told him the only profession open to him was that of a beggar. His family members and friends were also harassed and interrogated. Liu Gang finally escaped from China and came to the U.S. last month. We are delighted that the U.S. Attorney General made it possible for him to obtain emergency residency status here, but we are equally concerned about many formerly imprisoned activities who remain behind, living under unbearable circumstances.

-- In February 1996, Xinhua, the official Chinese news agency, announced new regulations on the Internet that puts the state in charge of "overall planning, unified criteria, classification management and promoting development" of international computer networks. The State Council must approve all interactive networks, and individuals and organizations using them must be registered with the police. Provincial security officials have also issued sweeping rules and restrictions aiming at severely limiting international computer links. In addition, Xinhua has announced it will supervise foreign wire services selling economic information in China, screening their reports for "false economic news and attacks on China."

-- Chen Ziming, one of the so-called "black hands" of the 1989 pro-democracy movement, was released on "medical parole" in May 1994 while serving a thirteen year sentence on "counterrevolutionary" charges. His release, just days before the President's MFN renewal decision, seemed to be a gesture aimed towards the U.S. But on June 25, 1995, Chen Ziming was suddenly re-arrested, his house was searched, and he was reimprisoned -- despite the fact that he continues to suffer from a serious case of testicular cancer. His family has made appeals to the Chinese authorities and to the United Nations, but thus far to no avail.

-- The United Nations Committee on Torture last month issued an assessment of Beijing's compliance with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which China ratified in 1988. The committee found that there were credible reports of widespread torture in China and Tibet, and urged the government to establish an independent judiciary and to enact legal reforms to prohibit torture. It cited cases of police abuse that often were not investigated or punished, and raised special concern about the deaths of persons held in custody and in prisons in Tibet.

-- Repression in Tibet has escalated during the last year. In a report we co-published with the Tibet Information Network in March 1996, entitled Cutting Off the Serpent's Head: Tightening Control in Tibet 1994-1995, we estimate that there are now more Tibetans in detention for political offenses than anytime in the last six years, a total of at least 600. Torture continues to be widespread and goes unpunished by the Chinese authorities. A new edict published in April 1996 is aimed at discrediting the Dalai Lama as both a religious and political leader, banning his photo both in monasteries and schools and in private residences. Several protests have taken place in recent weeks and Ganden, one of three main monasteries in Lhasa, was sealed off and closed by the police.

During an incident there on May 6, 1996 a number of monks were arrested and three were shot and wounded, one seriously. Since then, security forces have been hunting down and arresting monks; at least sixty are now in custody. There is an unconfirmed report that one of the monks, Kelsang Nyendrak, died from a bullet wound several days later. It has also been reported that a thirteen year old boy, Gelek Jinpa, a novice monk, was interrogated and beaten by troops. He is now being held in Gutsa detention center. Fighting broke out at Ganden and monks threw stones when a group of Communist Party cadres attempted to banned all photos of the Dalai Lama in Buddhist temples. The government had earlier announced that all politically active monasteries would be closed, and that it was imposing restrictions on the number of new monks and nuns that could be ordained.

In a separate reported incident on May 14, 1996, at least eighty people, including thirty young nuns, were seriously injured by police beatings. Earlier mass arrests occurred in July 1995 in conjunction with the selection of the new Panchen Lama; at least thirty-two monks were arrested and some were severely tortured. Only recently, after repeated denials, have the Chinese authorities admitted that Gendun Choekyi Nyima, the seven-year-old child identified as the reincarnation of the tenth Panchen Lama is, in fact, in official custody.

Legal Reforms:

In March 1996, the National People's Congress enacted some limited but potentially important legal reforms, adopting an Administrative Punishment Law and amending the Criminal Procedure Law (CPL) for the first time since 1979. The changes in the CPL, which take effect on January 1, 1997, would shift the presumption of innocence, requiring a verdict of innocence if there is insufficient evidence to convict; it would also impose more stringent limits on time in detention prior to formal arrest. The reforms would also permit a defendant access to a lawyer during interrogation and indictment. However, access to legal counsel is not allowed until after the "first interrogation" -- when the use of torture is commonplace -- and in cases where state secrets are involved, the investigating unit must approve a request to retain a lawyer.

But these new legal protections may be eroded by procedural defects, legal loopholes, and police ignorance, and a failure to vigorously press for their full implementation. For example, despite the legal guarantee that no organ or individual may interfere with the

independence of the courts, there is nothing to prevent the Communist Party from doing so. Public security bureaus may still hold suspected criminals for up to one month before applying for judicial review and an arrest warrant.

On the positive side, the CPL does limit the power of the police to act without supervision. And the new Administrative Punishment Law, which comes into force on October 1, 1996, offers new protection to those subject to administrative punishment, such as the right to a hearing. It also attempts to rein in "rampant illegal fines and other disorderly penalties" given out by some local government authorities.

Pressing for further legal reforms, as well as the effective enforcement and implementation of those already adopted, should be a high priority for the U.S., the World Bank, private organizations of jurists, and other governments. But given the track record of Chinese officials for flagrantly violating existing legal protections and safeguards -- including those contained in China's constitution -- it would be a mistake to assume that steps towards building the rule of law will automatically lead to significant human rights improvements absent other forms of pressure.

Hong Kong:

At midnight on June 30, 1997, China will assume sovereignty over Hong Kong. Concern is growing among Hong Kong's citizens, the elected legislative council, and members of the business community about China's willingness to fulfill its commitments under the Sino-British Joint Declaration on Hong Kong of 1984. The Declaration promised that Hong Kong would "enjoy a high degree of autonomy" after 1997. But in recent months, Beijing has threatened or actually taken steps towards overturning each of its obligations under the Joint Declaration. It has, among other things:

-- Declared its intention to repeal of key provisions of Hong Kong's Bill of Rights;
-- Announced that it will appoint a provisional legislature to replace the Legislative Council (Legco) elected last September, perhaps as early as the beginning of 1997, thus establishing a rival government and triggering a constitutional crisis in Hong Kong;
-- Called on the Hong Kong government to "discipline" RTHK (Radio Television Hong Kong) for failing to cooperate with the demands of the China-controlled Preparatory Committee, responsible for matters related to the transition to Chinese rule;
-- Stated that top civil servants will be required to take a loyalty test pledging their obedience to the laws enacted by Beijing's hand-picked legislature, although it has since stepped back somewhat from this position;
-- Threatened the independence of the courts in Hong Kong by putting in the hands of the appointed legislature power to confirm judges for the Court of Final Appeal that will replace the Privy Council, and limiting the number of foreign judges on the Court.

The U.S. has a direct stake in the future of civil liberties, human rights and democracy in

Hong Kong. As stated in the United States-Hong Kong Policy Act of 1992, "The human rights of the people of Hong Kong are of great importance to the U.S....A fully successful transition in the exercise of sovereignty over Hong Kong must safeguard human rights in and of themselves. Human rights also serve as a basis for Hong Kong's continued economic prosperity." Congress has a crucial role in pressing the U.S. to give a higher priority to Hong Kong in the months ahead. We would urge, for example, the House to adopt a "sense of Congress" resolution in the coming weeks -- one year before the handover -- noting the recent ominous trends, especially the threat against Legco, and highlighting Beijing's obligations towards Hong Kong under the Joint Declaration and relevant international human rights conventions. We understand that Representative John Porter is preparing to introduce such a resolution.

Recommendations for U.S. Policy on China:

The annual debate over MFN renewal provides a useful opportunity for Congress to scrutinize U.S. China policy, as well as to focus attention on China's horrendous human rights record. We believe the annual renewal process should be maintained, and that it would be premature to grant China "permanent MFN" at this time, especially in light of the uncertainties of the post-Deng Xiaoping succession.

Human Rights Watch/Asia has consistently taken the position that various forms of economic and political pressure are needed to promote human rights in China and Tibet. We believe the U.S. should act both on a bilateral basis -- given its unique role as a superpower and as China's largest single export market -- and in the context of a long-term, multilateral strategy shared by Beijing's other major trade and aiding partners.

Unfortunately, the Clinton Administration has virtually nullified the impact of any direct linkage between MFN and human rights, such as the attachment of human rights conditions on MFN renewal. It has done so by undermining and then repudiating its own previous policy of linkage, following the President 1993 Executive Order outlining human rights conditions for MFN renewal which China clearly failed to meet. U.S. credibility on human rights, and other matters, was seriously damaged. However, other measures to exert economic and political pressure should be actively explored, including the following:

1) The U.S. should seek to limit the flow of World Bank funds to China for non-basic human needs projects by exerting its leverage on an informal basis (as it has in the case of Iran and previously, in the case of Vietnam) to prevent large infrastructure or project loans from reaching the Bank's Executive Directors for consideration. Issuing occasional token or abstention no votes on human rights grounds is insufficient. China now receives more money from the World Bank than any other country: in the fiscal year ending June 1996, it received approximately $2.9 billion in Bank funds. We welcomed the recent decision by the U.S. Export-Import Bank not to issue export credits for the Three Gorges dam, in light of both the environmental and human rights impact of the massive infrastructure project.

At the same time, the Administration should try to channel World Bank funds to help support constructive solutions to serious human rights problems with broad social implications in China, such as those affecting millions of exploited migrant laborers and the ill-treatment of children in state-run orphanages urgently in need of additional resources.

2) The Congress should insist on having a vote on U.S. support for China's bid to join the World Trade Organization. We believe that Congress should require the President to certify that China has implemented certain specific human rights and trade reforms, demonstrating Beijing's willingness to comply with global rules and standards, before he agrees to their WTO membership. Informally, the Administration has told China that its human rights practices are endangering prospects of persuading Congress to agree to WTO entry; it did this at the time Wei Jingsheng was put on trial and sentenced last year. This linkage should be made formal and specific. It is impossible to separate China's behavior as a reliable trading partner from its willingness to comply with universal human rights norms. A government that routinely violates its own laws to crack down on dissidents is equally willing and able to cheat on IPR agreements, fail to live up to contracts with foreign investors, or restrict business information on the Internet. It is also possible that parliaments in other countries, for example in Europe, may impose similar conditions on their governments' vote on China's WTO membership, thus adding a crucial multilateral dimension to U.S. policy.

3) The Administration should propose that relations with China, and the future of Hong Kong, be on the informal agenda for discussion at the G-7 summit meeting in Lyon, France from June 27-29. There has been no consensus on China policy and human rights among the G-7 since the immediate aftermath of the Tiananmen Square crackdown. As China goes through a critical political transition process, this is a strategic time to send coordinated signals. In addition, the future of the rule of law and democratic government is at stake in Hong Kong. The G-7 final communique or chairman's statement should include strong language calling for significant improvements in human rights in China and Tibet, and full compliance with the Joint Declaration on Hong Kong.

In addition, we hope the G-7 will issue a joint demarche for the release of Wei Jingsheng, and will use the opportunity of this meeting to agree on a common, private human rights agenda with concrete benchmarks, such as restarting talks with the International Committee of the Red Cross and opening up Tibet to independent human rights monitors. All the G-7 should then agree to promote this agenda, using a combination of bilateral and multilateral tools. It is particularly important that the U.S. urge Japan to use its leverage with Beijing.

4) During his talks next month in Jakarta with the Chinese foreign minister about a possible summit meeting in the U.S. between President Clinton and President Jiang Zemin, or a potential visit to China by Vice President Al Gore, Secretary of State Christopher should make it absolutely clear that these meetings can take place only if there are meaningful steps taken by Beijing to improve human rights in China and Tibet. This should also be on the agenda for

Anthony Lake's upcoming trip to Beijing. We are deeply concerned that in its eagerness to establish greater dialogue between Washington and Beijing, the Administration not trade away the substantial leverage and symbolic value of such high-level visits without receiving human rights concessions in exchange.

Thank you, Mr. Chairman, for the opportunity to appear before the Subcommittee today.

INTERNATIONAL CAMPAIGN FOR TIBET

Statement of Lodi G. Gyari
President, International Campaign for Tibet

before the Subcommittee on International Operations
and Human Rights
House International Relations Committee

Hearing on China MFN: Human Rights Consequences
Tuesday, June 18th, 1996

Thank you for providing me this opportunity to testify before you on the human rights situation in Tibet and on Most Favored Nation (MFN) trade status for China.

My name is Lodi Gyari, and I was born in Nyarong in the Tibetan province of Kham. I am President of the International Campaign for Tibet, a Washington-based, non-governmental organization dedicated to the promotion of human rights and democratic freedoms for the Tibetan people. I am also Special Envoy of His Holiness the Dalai Lama and have served in both the Tibetan Parliament and Cabinet in Exile in Dharamsala, India.

I would like to once again express my deep appreciation to the U.S. Congress for its tremendous leadership on the issue of Tibet. The numerous resolutions passed by you and your colleagues condemning human rights violations in Tibet and providing financial and other assistance to Tibetan refugees have given significant encouragement to the Tibetan people. It is fair to say that the Tibetan people owe a great debt of gratitude to the U.S. Congress for supporting their ongoing struggle for basic rights and for recognizing that the plight of six million Tibetans is an important American interest.

Mr. Chairman, you have asked me here to speak on the consequences of President Clinton's decision in 1994 to de-link human rights considerations from renewal of China's MFN status. Let me first say that we strongly believe the President threw away a powerful tool in the United States' arsenal to press for significant improvements in human rights in China and Tibet when he abandoned his policy in 1994. We were greatly disappointed by the President's decision because we felt his policy of linking human rights and trade could have produced results, had he stuck with it. If any one country has the ability to influence China's policies

1825 K Street, NW Suite 520 Washington, DC 20006 Tel: (202) 785-1515 Fax: (202) 785-4343
E-mail: ict@peacenet.org Internet: http://www.peacenet.org/ict

Recycled Paper

towards Tibet, it is the United States and the best way to influence China is through trade.

Just a year before, we were elated when President Clinton issued his Executive Order, conditioning future renewal of China's MFN status on improvement in human rights, including the protection of Tibet's distinct religious and cultural heritage. I had the privilege of being invited to the White House to witness the President's announcement of his Executive Order. That historic event sent a strong message of encouragement and hope to supporters of human rights, democracy and freedom within China and in Tibet as well as throughout the world. In particular, it gave a tremendous moral boost to the people of Tibet who believed that the United States was serious in its commitment to human rights improvements in Tibet. His Holiness the Dalai Lama warmly welcomed President Clinton's clear signal to the Chinese leadership that Tibet was a high priority for the United States.

Most important of all, the Chinese Government, for the first time, realized that it would have to make substantial improvements in its human rights practices if it wanted to retain its normal trading status with the U.S. Shortly after the Executive Order was announced, we were informed that a high-level Chinese delegation made a low profile visit to Washington, headed by a former Chinese Ambassador to the U.S. The delegation reportedly sought suggestions on how they could meet the minimum requirements of the condition on protecting Tibet's culture and religion in order to not jeopardize their MFN status.

This episode demonstrates that the Chinese would have made the necessary improvements in Tibet had the Administration not sabotaged its own policy by sending signals of diminished resolve. However, it became clear well in advance of the deadline for compliance that the President would reverse his own Executive Order and continue to provide MFN to China. Perhaps the situation in Tibet would not be as bleak as it is today if the President had stuck to his policy. Since that lost opportunity, the Chinese Government has taken no steps to halt the repression in Tibet. Indeed, over the past two years, facing no resistance and little condemnation, the Chinese have felt more emboldened than ever to repress the Tibetan people, their religion and their culture.

Third Work Forum on Tibet

The most conspicuous change in Chinese policy towards Tibet was laid out in July 1994, shortly after President Clinton's decision to grant unconditional renewal of MFN for China. From July 20 to 23, 1994, the Third Work Forum on Tibet was held in Beijing, attended by 190 top Communist Party and Government officials, and representatives from provinces, autonomous regions, prefectures, cities and

municipalities. As a result of the Work Forum, new restrictive policies were put into place in Tibet.

One clear indication of these new restrictions has been the effort to curtail religious activity in Tibet. This policy change is explained in detail in the new report by the International Campaign for Tibet, A Season to Purge. According to our report, Chinese authorities have limited the number of youths joining monasteries and nunneries, prohibited Communist Party members from practicing religion and strengthened Government control over monasteries through "Democratic Management Committees." Beijing has also vowed to close monasteries they judge to be problematic and to imprison "separatist" monks and nuns.

The issue of utmost concern to us has been the change in China's attitude towards His Holiness the Dalai Lama. In the past, Chinese propaganda denied that the Dalai Lama had any say in the political affairs of the Tibetan people, but refrained from questioning his spiritual authority. These days, China has not only hardened its rhetoric about the Dalai Lama but has actively sought to undermine and discredit his religious authority in Tibet, much like the situation during the Cultural Revolution.

Chinese President Jiang Zemin made plain the intentions of the Chinese Government when he told the Third Work Forum on Tibet: "The difference between us and the Dalai clique are not a question of believing in a religion or not believing in a religion nor a question of self-government or not self-government, but a question of safe guarding the unification of the motherland and opposing splittism." Overnight, expressions of religious worship became a political crime and any show of respect and obeisance to the Dalai Lama resulted in punishment. Instructions to attack the Dalai Lama in person were printed in "Golden Bridge to a New Era", the official handbook of the Third Work Forum on Tibet, published in October 1994.

In July 1994, the very month in which MFN was extended for China, officials in Tibet were banned from possessing photos of the Dalai Lama in their offices. In September 1994, all pictures of the Dalai Lama on sale in the streets of Lhasa, Tibet's capital, were confiscated. The ban was widened in January 1996 when orders were issued for the withdrawal of photos of the Dalai Lama from his two traditional residences: Norbu Lingka and the Potala. Subsequently, orders were issued in Lhasa by the Public Security Bureau to confiscate all "reactionary literature" with the Dalai Lama's photos included in this category.

In April 1996, China publicly announced the ban on the display of the Dalai Lama's photos and since that time authorities have begun sweeps of monasteries,

schools, businesses and even private homes to rid these places of all images of the Tibetan leader. On May 6th, when Chinese officials arrived at Ganden Monastery, located near Lhasa, monks there protested the edict and fighting broke out. Reports indicate that 3 monks were shot and wounded by police and that at least one official was also beaten. A second incident reportedly occurred on May 14th, when two truckloads of seriously injured people, including monks and nuns, were taken to hospitals in Lhasa as a result of being beaten, presumably while protesting the new restrictions.

We are very concerned about this recent crackdown, which is a vivid reminder of events which took place during the Cultural Revolution.

Interference in Tibetan Religious Tradition

China's abduction of the Panchen Lama, the second most senior religious figure in the Tibetan Buddhist tradition, and the appointment of a pretender Panchen Lama is another indication of the intensification of repression in Tibet and a bold move against religious freedom. Historically, the Dalai Lama and the Panchen Lama have enjoyed a special spiritual relationship. In 1959, when the Dalai Lama fled into exile in India, the Panchen Lama remained in Tibet, determined to attempt accommodation with China's occupation government. Because of his advocacy on behalf of Tibetans, the Panchen Lama was jailed by Chinese authorities.

After the Panchen Lama's death in 1989, the Dalai Lama, as per ancient tradition, undertook steps to search for his reincarnation. China rejected all attempts by the Dalai Lama to seek its cooperation in this sacred endeavor. In May 1995, after a prolonged search, the Dalai Lama recognized a six-year-old boy, Gedhun Choekyi Nyima, as the 11th Panchen Lama. China immediately denounced his decision and placed the young boy and his parents in detention. Authorities also detained Chadrel Rinpoche, abbot of the Panchen Lama's monastery and 50 other monks, charging them with colluding with the Dalai Lama. Then, in total disregard of Tibetan religious tradition, the Chinese Government announced its own selection of the "real" Panchen Lama and has since been trying to impose its selection on the Tibetan people.

The safety and well-being of the young Panchen Lama, whose case has been heavily promoted by human rights organizations, is of serious concern to the Tibetan people. Until last month, China declined to mention anything about the young Panchen Lama, let alone give assurances of his well-being. However, after pressure from Congress and from the international community, China admitted that it was in the custody of the young boy, claiming that "his parents requested the government to ensure the protection of this boy".

China's intervention in the matter of the Panchen Lama is a serious and blatant violation of the Tibetan people's freedom of religion. The Chinese Government's actions have alienated the Tibetan people and have the potential to cause long-term strife between the Tibetan people and Chinese authorities.

Political Prisoners

Another indication of the deteriorating human rights conditions in Tibet has been the increase in the number of political prisoners. Today, there are close to 700 documented Tibetan political prisoners in different parts of Tibet. This does not include several hundred more prisoners whose names we have been unable to ascertain. Last year, Amnesty International reported that there were 628 political prisoners in Tibet which represents a significant increase from the 400 cases they documented in 1993. A majority of the political prisoners are monks and nuns whose sole "crime" has been expression of their religious and political beliefs.

We have been very concerned about the detention of a young Tibetan musician, Ngawang Choephel, in August 1995. Ngawang, who was brought up in exile in India and who studied at Middlebury College in Vermont, was detained in central Tibet while documenting Tibetans performing arts tradition. To this day, Chinese authorities have not publicly acknowledged their detention of Ngawang, let alone provide information about his whereabouts or well-being. His aged mother has not heard from him and is believed to be on the verge of a mental breakdown. We are deeply concerned about Ngawang's fate and safety.

Denial of Educational Opportunity

Following a policy of liberalization in the 1980s, China permitted Tibetan parents to send their children to schools run by Tibetans in exile in India where they are assured of a wholesome Tibetan education. Tibetan schools in exile provide students with a curriculum of modern education combined with traditional Tibetan subjects, a curriculum which is not provided in Chinese-operated schools in Tibet. However, in 1994, this policy changed when Chinese officials started scrutinizing members of the Communist Party in Tibet who have sent their children to study in schools run by the Tibetans in exile.

In September 1994, Chinese authorities issued an edict ordering all Communist Party members to recall their children from Tibetan schools in exile or face the consequences. Subsequently, many children returned to Tibet from schools in India, deprived of their chance for a proper Tibetan education.

Population Transfer

The greatest concern of the Tibetan people continues to be the tremendous influx of Chinese settlers into Tibet, which has been ongoing in the past few years. Many of the settlers come to Tibet as a result of economic and other incentives provided to them by the Chinese Government. In addition, the prospect of economic opportunity is luring Chinese entrepreneurs to Tibet's towns and cities. As a result of this influx, the number and influence of Chinese in Tibet is marginalizing the Tibetan people politically, economically and culturally.

The State Department's 1995 Country Report on Human Rights Practices acknowledged that there has been a massive influx of Chinese into Tibet. "In recent years, freer movement of people throughout China, government-sponsored development, and the prospect of economic opportunity in Tibet have led to a substantial increase in the non-Tibetan population (including China's Muslim Hui minority as well as Han Chinese) in Lhasa and other urban areas", the report said.

Negotiations

His Holiness the Dalai Lama has stated that the only way to bring about a peaceful resolution to the situation in Tibet is through a mutually-acceptable negotiated settlement between the Chinese and Tibetan people. To this end, he has issued several forward-looking proposals, including the Five Point Peace Plan and the Strasbourg Proposal, in which he has agree to not raise the issue of independence during negotiations. However, the Chinese Government has refused to respond positively to his proposals and continues to disregard the Tibetan people's fundamental rights.

At this time, I would like to submit for the record the testimony of His Holiness who recently appeared before the Foreign Affairs Committee of the Danish Parliament to express his views about the current situation in Tibet and the process of change which is occurring in China.

Conclusion

Mr. Chairman, the human rights situation in Tibet today is clearly bleak and is getting worse. Based on our own information and documentation by Human Rights Watch/Asia and other human rights organizations, the level of repression in Tibet has increased significantly since President Clinton's decision to de-link human rights and trade in 1994.

After the President's decision, we were given assurances that the Administration remained committed to helping the Tibetan people and to supporting negotiations between the Dalai Lama and Chinese leaders. However, since that time, the Administration has yet to develop and maintain a policy that will pressure the Chinese to respect the rights of Tibetans. In fact, when President Clinton announced his intention to grant unconditional renewal of MFN for China on May 20th of this year, he failed to even mention Tibet or concern over the recent crackdown there in his speech. He also gave no indication of how his policy of "comprehensive engagement" with China, which includes granting unconditional renewal of MFN, is helping to provide relief to the Tibetan people. This is deeply disappointing to the Tibetan people and to the many supporters of the Tibetan cause in this country. In substance, the Clinton policy of "comprehensive engagement" differs very little from President Bush's policy of "constructive engagement".

The United States policy of constructive and comprehensive engagement has not brought any relief to the Tibetan people. In order to help bring an end to the egregious human rights violations perpetrated by the Chinese Government against the Tibetan people, we recommend the following course of action:

- raise strong concern about the recent crackdown in Tibet at the highest levels in the Chinese Government. We have kept the Administration fully informed about the deteriorating situation in Tibet and I can say from my personal experience that there are many people in the Administration who are deeply concerned about Tibet. Despite this, the Administration has yet to issue a public statement of concern about the recent escalation of repression in Tibet. We are very concerned that the Administration is dragging its heels while the suffering in Tibet intensifies;

- use economic leverage, whether it be China's MFN status or China's entry into the World Trade Organization, to pressure China to improve its human rights record in China and Tibet;

- support multilateral efforts calling on the Chinese Government to stop human rights violations in Tibet and to enter into negotiations with the Dalai Lama about the status of Tibet, through such fora as the United Nations or G7 Summit meetings;

- establish a Special Envoy on Tibet within the Administration to help streamline U.S. policy towards Tibet, and in particular to help push for a negotiated settlement between His Holiness the Dalai Lama and the Chinese Government;

- raise concern about the status of negotiations and the human rights situation in Tibet at every opportunity with the Chinese leadership.

Thank you again, Mr. Chairman, for this opportunity to testify before you today.

STATEMENT BY HIS HOLINESS THE DALAI LAMA TO THE FOREIGN AFFAIRS COMMITTEE OF THE FOLKLETINGETS UDENRIGSUDALG, DENMARK

Hearing on Tibet
Copenhagen, May 13, 1996

Mr. Chairman, Honourable Members of Parliament,

It gives me great pleasure to address you today, at the opening of this hearing on Tibet. This hearing comes at a crucial time. Since the lifting of martial law in May 1990, repression and political persecution have continued in Tibet and have lately reached a new peak. Observance of human rights in Tibet has, sadly, not improved. On the contrary the Chinese government has intensified repression. This has also been documented in reports by international human rights organisations. I am confident that other informed experts invited to this hearing will also corroborate the grim developments in Tibet.

Violations of human rights in Tibet have a distinct character. Such abuses are aimed at Tibetans as a people asserting their own identity and their wish to preserve it. Thus, human rights violations in Tibet are often the result of institutionalised racial and cultural discrimination. If the human rights situation in Tibet is to be improved, the issue of Tibet should be addressed on its merits. It should be seen as distinct from the overall situation in China. Undoubtedly, the Chinese in China suffer from human rights abuses, but these abuses are of an entirely different nature.

In Tibet my people are being marginalised and discriminated against in the face of creeping Sinicization. The destruction of cultural artefacts and traditions coupled with the mass influx of Chinese into Tibet amount to cultural genocide. The very survival of the Tibetans as a distinct people is under constant threat. Similarly, the issues of environmental destruction and contamination, which have serious ramifications beyond the Tibetan plateau, and economic development must be addressed specifically with regard to Tibet. These problems are also different from those faced in China.

It is encouraging to note the growing concern being shown for the human rights situation in Tibet by many governments and NGOs around the world. But human rights' violations, environmental degradation and social unrest in Tibet are only

the symptoms and consequences of a deeper problem. Fundamentally, the issue of Tibet is political. It is an issue of colonial rule: the oppression of Tibet by the People's Republic of China and resistance to that rule by the people of Tibet. This issue can be resolved only through negotiations and not, as China would have it, through force, intimidation, and population transfer.

This hearing is also significant because of the process of change that is taking place in China. It offers a historic opportunity for Denmark and other members of the international community to reassess their policy towards China, in order both to influence and to respond to the changes that are taking place in that country. With regard to Tibet I am convinced that the next few years will be crucial in bringing about honest negotiations between us and the Chinese government. Such negotiations are the only way to promote a peaceful and comprehensive resolution of the Tibetan question.

It is undoubtedly in the interest of the Chinese people that the present totalitarian one-party state gives way to a democratic system in which fundamental human' rights and freedoms are protected and promoted. The people of China have clearly manifested their desire for human rights, democracy and the rule of law in successive movements starting in 1979 with the 'Democracy Wall' and culminating in the great popular movement of the spring of 1989.

China needs human rights, democracy and the rule of law. These values are the foundation of a free and dynamic society. They are also the source of true peace and stability. A society upholding such values will offer far greater potential and security for trade and investment. A democratic China is thus also in the interest of the international community in general and of Asia in particular. Therefore, every effort should be made not only to integrate China into the world economy, but also to encourage her to enter the mainstream of global democracy. Nevertheless, freedom and democracy in China can be brought about only by the Chinese themselves and not by anyone else. This is why the brave and dedicated members of the Chinese democracy movement deserve our encouragement and support.

Democracy in China will have important consequences for Tibet. Many of the leaders of the Chinese democracy movement recognise that Tibetans have been ill treated by Beijing and believe that such injustice should be redressed. Many of them openly state that Tibetans should be granted the opportunity to express and implement their right to self-determination.

In the final analysis it is for the Tibetan and the Chinese peoples themselves to find a just and peaceful resolution to the Tibetan problem. Therefore, in our struggle for freedom and justice I have always tried to pursue a path of

nonviolence in order to ensure that a relationship based on mutual respect, friendship and genuine good neighbourliness can be sustained between our two peoples in the future. For centuries the Tibetan and the Chinese peoples have lived side by side. In future, too, we will have no alternative but to live as neighbours. I have, therefore, always attached great importance to our relationship. In this spirit I have sought to reach out to our Chinese brothers and sisters in the United States, Europe, Asia and Australia.

Furthermore, in my efforts to seek a negotiated solution to our problem, I have refrained from asking for the complete independence of Tibet. Historically and according to international law Tibet is an independent country under Chinese occupation. However, over the past fifteen years I have adopted a "middle-way" approach of reconciliation and compromise in the pursuit of a peaceful and negotiated resolution of the Tibetan issue. While it is the overwhelming desire of the Tibetan people to regain their national independence, I have repeatedly and publicly stated that I am willing to enter into negotiations on the basis of an agenda that does not include the independence. The continued occupation of Tibet poses an increasing threat to the very existence of a distinct Tibetan national and cultural identity. Therefore, I consider that my primary responsibility is to take whatever steps I must to save my people and their unique cultural heritage from total annihilation.

Moreover, I believe that it is more important to look forward to the future than to dwell in the past. Theoretically speaking it is not impossible that the six million Tibetans could benefit from joining the one billion Chinese of their own free will, if a relationship based on equality, mutual benefit and mutual respect could be established. But, if China wants Tibet to stay with her, it is up to China to create the necessary conditions. The reality today is that Tibet is an occupied country under colonial rule. This is the essential issue which must be addressed and resolved through negotiations.

Unfortunately, the Chinese government has yet to accept any of the proposals and initiatives we have made over the years and has yet to enter into any substantive negotiations with us. Meanwhile, they continue to flood Tibet with Chinese immigrants, effectively reducing Tibetans to an insignificant minority in their own land. In fact some of my friends call this China's 'Final Solution' to the Tibetan problem.

Tibet - an ancient nation with a unique culture and civilization - is disappearing fast. In endeavouring to protect my nation from this catastrophe, I have always sought to be guided by realism, moderation and patience. I have tried in every way I know to find some mutually acceptable solution in the spirit of reconciliation and compromise. However, it has now become clear that our

efforts alone are not sufficient to bring the Chinese government to the negotiating table. This sad state of affairs compels me to appeal to your Government and the international community for urgent intervention and action on behalf of my people.

In the first place, the true nature of China's rule over Tibet must be understood. China's leaders have for decades, even before the Communist revolution, propagated a false and self-serving version of the history of Tibet and of Tibet-China relations. Tibet's historical independence and its rich cultural and spiritual tradition have been entirely distorted to justify China's invasion, occupation and suppression of Tibet. The international community, and even the Chinese people, still does not fully comprehend the extent of the destruction, suffering and injustice experienced by the Tibetans under Chinese rule. Today the Chinese people, especially the intellectuals, closely follow what happens outside China. The Chinese authorities are no longer able to isolate the population from outside sources of information. It is therefore immensely important that governments and non-governmental organisations in democratic countries discuss all aspects of the Tibetan issue, from the historical relations between Tibet and China to the current violations of human rights, openly and honestly.

Secondly, China's leaders must be made to realise that the question of Tibet will cause ever increasing problems to China domestically and internationally, unless it is resolved to the satisfaction of both China and Tibet through earnest negotiations, in which all issues can be discussed with honesty and candour.

Thirdly, we need governments of democratic countries to continue to urge the Chinese authorities to respect human rights in Tibet and to enter into serious negotiations with us. We appeal for persistent and concerted efforts by the international community in bringing about direct and meaningful negotiations.

Fourthly, in their contacts with leaders and members of the democratic movement in China and in exile, governments of democratic countries should make clear their expectations with regard to China's future conduct towards Tibet. Now is the time for Chinese democrats to make commitments in this respect.

On our part, we Tibetans will continue our nonviolent struggle for freedom. My people are calling for an intensification of the struggle, and I believe they will put this into effect. But we will resist the use of violence as an expression of the desperation which many Tibetans feel. As long as I lead our freedom struggle, there will be no deviation from the path of nonviolence. However, my people need hope and encouragement. They will find this in the support of the

international community, if they can see effective and concerted action on the issue of Tibet.

I remain committed to negotiations with China. I have made proposals in this regard, which are contained in my Five Point Peace Plan (1987) and the proposal I made at the European Parliament in Strasbourg in 1988. These proposals were very well received internationally, and they can still form a rational basis for negotiations. But since China has chosen to reject them, I have stated, and I reiterate today, our willingness to start negotiations with China without any preconditions. I call on all democratic countries of the world to intensify their support for this position. And I extend to China's present and future leaders an invitation to open negotiations as soon as possible in the interests of both the Tibetan and Chinese peoples.

==========
end WTN 96/05/13

The
Laogai
Research Foundation
勞 改 基 金 會

Testimony of Mr. Hongda Harry Wu
Executive Director, Laogai Research Foundation

Before the United States House of Representatives
Foreign Affairs Committee
Subcommittee on International Operations and Human Rights

China MFN: Human Rights Consequences
June 18, 1996

Throughout human history, many countries would execute prisoners in public to demonstrate their power. The guillotine used during the French Revolution is a case in point.

In China, over the millennia, feudal dynasties would behead prisoners before the public to manifest the almighty power of the emperors and to frighten the subjects into submission. This method, referred to by the Chinese as "Killing the chicken to scare the monkey", is an indispensable means for maintaining violent dictatorship.

As researched and reported by Amnesty International, the prominent human rights organization, the People's Republic of China carries out the largest numbers of executions in the world. The Chinese government never announces how many prisoners it executes. Amnesty International, based only on publicly available Chinese data, figures the number to be several thousand a year. For the most part, prisoners are killed in groups. Groups can be as large as 100 prisoners.

In September 1983 in Zhengzhou city, I watched how the government implemented Deng Xiaoping's strike-heavy-blows policy. Forty-five prisoners were shot in one group. Thousands of onlookers, included among them senior citizens, women and children, were organized to attend. (Appendix I)

Historically, China has always been a country devoid of the rule of law. Despite a large number of existing laws, China is essentially a nation dominated by the communists, where the *Party* overrides *the Law*.

The communist party's domination, both past and present, is based on violence. The communists believe that violence frightens the people into submission.

P.O. Box 361375, Milpitas, CA 95036-1375 USA

In mainland China, on the eve of political movements or major holidays, prisoners are often executed publicly -- to manifest "the mighty power of the dictatorship of the proletariat." Parading prisoners through streets and then shooting them publicly is the way the communist government "educates" the people. This is done under the banner of "the dictatorship of the proletariat".

On December 18, 1995, in Shenzhen City, in a freshly bulldozed development district, the communist government publicly shot thirteen prisoners. The authorities organized 20,000 people to watch the event. Thirteen others were shot the day before. (Appendix II)

Another fourteen were shot on January 20 in Shenzhen, the city which Deng Xiaoping uses as the example of "economic reform" (Appendix III). Sixteen more were shot in Shenzhen on February 13 (Appendix IV). In Beijing, in February, eight were sentenced to death and shot right away (Appendix V).

Such public executions have been going on continuously since the communist takeover in 1949.

To execute counterrevolutionaries, exterminate class enemies and punish criminals is, by the Chinese communist party's terminology, aimed at "consolidating the people's democratic dictatorship." It is the political tradition of the communist party's dictatorial system.

China has a set pattern for its executions. First, rallies are held where verdicts are announced publicly. Then, prisoners are bound tightly with their necks pinched with a piece of cord. A paper sign is attached to their backs. They are paraded through the streets in caravans of army or police personnel. They are made to kneel in front of thousands of onlookers. Finally, they are shot in the back. Such is the mode meticulously designed by the Beijing government.

But, on August 21, 1984 the communist authorities ordered the practice ended (Appendix VI). Their reason -- *Newsweek* magazine had written a story about public killing in Guangxi. The authorities felt this had damaged China's international image. To make it impossible for "overseas reactionary press" to cover such killings, public executions were put under strict control. Prisoners were not to be paraded through streets. Domestic press was forbidden to cover counterrevolutionary and political cases. In 1986, Beijing reiterated this policy (Appendix VII). The two documents show that Beijing government didn't see such barbaric killings in any way inappropriate. The real reason for the government order was its concern for its international political image.

Such parades of prisoners and public executions are fundamental to the communist party's dictatorship. As long as the communist regime exists, such barbaric killing will go on. In 1989, when the rolling waves of the pro-democracy movement were sweeping the whole of China, the Beijing government sensed the danger. The authorities had to assert its control the people and maintain the communist system and social order. The leadership again reverted to frequent, widespread public executions.

In July and August 1989, in Chengdu City, Sichuan Province, two groups were shot successively. Through special channels, we obtained the photos and accounts of the executions.

The film, "Undisquised Killing", begins with scenes of the executions of eight criminals shot in Fujian Province in 1992.

We are not going to talk about who the criminals were, what crimes they committed, or whether they should or should not be sentenced to death. What concerns us is the uncivilized practice of public killing. It is a violence that poisons civilized human society.

Witnesses said that the killings in Chengdu city, Sichuan Province looked rather similar. First, there were public trials in theaters. Then prisoners were escorted by hundreds of army and police men to execution sites. Huge crowds of onlookers gathered to watch how people were killed. An officer, holding a firing squad member's carbine still, instructs him how to aim at the heart. Then they are shot. Some of them died instantly. Some cling to life. Forensic experts lifted their legs and twisted their bodies, to make sure they were dead. One prisoner died instantly, but the older prisoner was still moving convulsively. A senior police officer stepped violently on his stomach five or six times to force all the air from the dying man. He then died, blood flowing out from his nostrils and mouth.

In accordance with the procedure stipulated by the government, police officers attach paper signs giving their names and "crimes" to the corpses, then photograph them.

As we know, in early periods, prisoners were shot at the head. Then, the practice changed to shooting at the chest. The purpose being not to mutilate the face and to facilitate photographs for filing. Executed criminals' families are then notified. It is a usual practice to charge the family for the bullet and cremation. If they do not pay, they will not receive the urn of ashes.

In early periods families were not always notified. A 1953 document of the communist party's central committee stipulated that families should be notified (Appendix VIII). It describes the case of YANG Pei Lin who in 1953 filed for a divorce from her arrested husband. After much work, the court learned that he had been executed eleven months before. The document orders families ought to be notified of execution promptly "to avoid wasting the government's human and material resources." Concern for human decency was never a question.

Eyewitnesses say that there were six criminals shot at the second execution site in Chengdu. A senior police officer poked a rod into the back of the prisoners' heads to make certain they were dead. One was still twisting convulsively. He was finished off with a pistol shot.

Extraction of executed prisoners' organs for transplantation surgeries in an open secret in mainland China. Based on testimonies by Chinese doctors and officials, international human rights

organizations have established that in mainland China, 90% of organs for transplantation surgeries come from executed prisoners. Beijing documents show that in recent 10 years there have been over 10,000 kidney transplantation surgeries alone in mainland China.

Beijing government stipulates that executed prisoners' organs can be used by the government without compensation in three circumstances described below (Appendix IX):

1. If nobody claims the body or the family refuses to claim it;

2. If the prisoner sentenced to death voluntarily donates his body for use by medical facilities;

3. If the family consents to have the body used.

Our conclusions about these conditions are:

1. Nobody claims the body. The first possibility is the prisoner has no family. Actually, such cases are rare. Then, there could be the second possibility. The family refuses or dares not to claim the body, i.e. "refusal to claim." In mainland China's political atmosphere, once a prisoner is sentenced to death, most of his family members "sever all relations with him" in light of the government's verdict. Otherwise, political and societal consequences would be grave for them. Consequently, "refusal to claim" was commonplace, in particular from the 1950s to 1980s. The third possibility: many prisoners are not executed in places where their families reside. In mainland China, transportation, communication and economy often prohibit families from claiming the bodies. Usually, government units do not notify their families residing in other places ahead of schedule. By our estimate, 60-70% of executed prisoners' bodies fall under this last category.

2. Talking about whether prisoners "voluntarily" donate their bodies or their families "consent" to have their bodies used by medical facilities, it is necessary to first clarify: under what circumstances and to whom they express their "willingness." It is not fair and creditable if such "willingness" is expressed to public security and judicial units that directly dispose of criminals within their power.

3. In mainland China, judicial units implement the "two instance" death penalty system: i.e., a people's court makes a death penalty verdict; then, it is ruled by the supreme court regardless of whether the prisoner appeals. The court is not allowed to order mediacal examinations on the prisoner's body to determine whether he is fit for organ transplantation surgery. It is not allowed to demand the prisoner and his family to sign any document expressing his "willingness" to donate his organs, because his death penalty has not yet been determined. In reality, the practice is to announce the death penalty verdict in a public rally, and the prisoner is "immediately escorted to the execution site to be shot." Obviously, there is no time to formulate legal procedures and obtain the prisoner and his family's "voluntary" consent. But, medically and scientifically, it is necessary to make a MHC match test in advance. Testimonies by witnesses state that as soon as a first-instance verdict is made, medical examinations are forcibly made on the prisoner's body. This is premeditated violence.

4. Externally, the Chinese government claims that "brain death" is the criterion for determining whether a person is dead. This is determined by electroencephalogram. As encephalographic waves disappear, the person is clinically dead. However, in China, such a procedure is non-existent for the government and hospitals. There are two ways to ensure the quality of organ for transplantation surgery. The first is the firing squad deliberately shoots at a less fatal part of the body so as not to cause immediate death. The other way is shown in documents of the Chinese communist party's central committee which permit ambulances to drive directly to execution sites and wait for the executions. To cover up such scandals, the documents require ambulances be unmarked and surgeons not be dressed in white medical uniforms. The surgeons who are present today testify that as soon as shots were fired, they took the bodies into the ambulances and began extracting organs. Some testimonies state that firing squads were bid not to shoot at the vulnerable heart. All this proves clearly that organ extraction began before life ended. This is essentially hideous murder. We also know of statements by surgeons and officials where there was an instance when organ extraction preceded the execution proceedings. We believe such instances are not numerous, but they do exist.

5. The deceased should have decency. Even if the prisoner and his family consent to donate his organs, measures should be taken to keep his human remains, then cremate or bury his body. The actual practice, as the Chinese communist party's documents show, is to take the body into the ambulance that is already waiting at the execution site, and extract all possible organs from the body while the ambulance is heading for the crematory, then place the organs in different containers. As soon as the ambulance reaches the crematory, the heap of flesh is cremated. This procedure is classified as "strictly confidential" by the Chinese communist party's documents.

Under such bloody and barbaric circumstances, is there the slightest trace of decency and human rights? All this is conducted by a government that claims it respects socialist civilization.

Chinese culture and customs require that the deceased body be kept intact. Taken as a whole, the Chinese are not yet used to donating their organs. Cases of "voluntary" organ donation are rare, be the person a civilian or death-row prisoner. But, China ranks as the number one nation in terms of organ transplantation surgeries performed. The primary source of organs is executed prisoners. Chinese doctors' contributions to medicine are based on such a practice.

The Chinese government, acting by the will of the Chinese communist party, stipulates that 20 categories of crimes are punishable by death. Fifteen of which are so called counterrevolutionary crimes. This government, acting in accordance with its dictatorial politics, condemns people to death and extracts their organs for profit. Even before 1993 large quantities of organs were exported to Hong Kong and Taiwan. In exchange for hard currency, large numbers of patients from abroad had their organ transplantation surgeries performed in China. all this is intolerable, barbaric human rights abuses.

Killing countless people as Hitler and his Nazi accomplices did, in their public and confidential documents they never used the work "kill", which was replaced by the term "final solution". On the other hand, while using such words as "suppression", "execution", "purge"... in their public documents, Mao Zedong and his accomplices used the undisguised work "kill" in their internal documents. And they killed much more than Hitler did. Mao often used the word "kill". We see his frequent use of "kill" in his unpublished document. And he directly instructed how to kill, how many to kill, and in what proportions.

1. On January 17, 1951 Mao issued the following report and written instructions to his accomplices, who included today's paramount leader, Deng Xiaoping, the communist party secretary in the southwestern district at that time:

> "In 21 counties in West Hunan over 4,600 bandit chieftans, local tyrants and KMT agents were killed. Another batch will soon be killed by local authorities. I think this is very necessary...dealing heavy blows means killing all reactionaries who should be killed with a firm hand" (Appendix X).

2. On May 18, 1951 in another confidential document to the Ministry of Public Security, Mao Zedong instructed:

> "Talking about the number of counterrevolutionaries to be killed, certain proportions must be set: in rural areas, it should not exceed 1 thousandth of the population, while in urban areas it should be below one thousandth of the population, 0.5 thousandth seems appropriate. For instance, among the 2,000,000 population of Peking, over 600 were killed. Another 300 are planned to be killed. A total of 1,000 is enough."(Appendix XI)
>
> Mao Zedong also said:
>
> "It is necessary to kill other big batches, and do all we can to kill two thirds of these predetermined to be killed by the end of July..."(Appendix XI).

It is unprecedented that people should be killed according to predetermined proportions. Actual numbers of those slaughtered exceed these numbers. The world may never know how man were killed.

People the world over should strongly condemn such violence. We must put a halt to such human rights abuses and trampling of prisoners' decency, which are an insult to civilized human society.

APPENDIX I

EXECUTION DAY IN ZHENGZHOU

(1986)

WU HONGDA, with JOHN CREGER

Since Mao's death in 1976, Deng Xiaoping's relatively moderate policies of steady modernization, relaxed state control over production, and individual initiative have brought China to the point of entering into widespread exchanges, including trade, with the West. Enthusiastic about China's opening, Westerners often mistake the reports of increased economic freedom inside China for signs of incipient democracy.

But we Chinese know that there are many faces to what is happening in China under Deng Xiaoping. In the fall of 1983, as a teacher from a university in another part of China, I led a group of graduate students in fieldwork outside Zhengzhou, the capital of Henan Province, on the Yellow river plain in north central China. For almost three thousand years, from perhaps 1500 B.C. to A.D. 1200, the city was the center of China's cultural and political life. Today, under socialism, the area around Zhengzhou is mainly agricultural, producing much of the nation's wheat and some of its corn. One morning while on this field expedition, my students and I witnessed an event, carried out at Deng's order, which shows a face China rarely turns to the West.

The morning of September 23, 1983 was clear and warm in North China. It was what we call there a golden autumn. The sky was deep clue and the warm air hung with the sweet smell of cut wheat. Fields of the light brown wheat stubble stretched in from the countryside to the outskirts of Zhengzhou. My students and I had not gone to the field as usual that day, but had stayed in our dormitory on the city's main street to analyze soil samples for my students' thesis work. Around 10:30 one of the students came up to my room where we were working to ask permission to go to a parade which he had just heard was about to begin. Curious, I gave permission and we all went down to the street.

As visitors in Zhengzhou, we had heard nothing before about a parade. No announcements had been posted or printed in the newspapers. No official holiday had been declared. But I could see by the number of expectant people pouring into the streets that for some time the peasants and workers, the cadres and students and small children of Zhengzhou had known: an execution day was coming.

Of course no one knew who or how many were to be killed, or for what crimes. Unless it is deemed politically necessary to publicize them, executions in China are kept secret and carried out under tight security. This time, though, the news must have come quietly down from the city's highest cadres and through Party branches to schools, factories, shops and hospitals. So, I saw, the Party means to instruct the

people with a show. It means to give them lucky eyes ...

In a city of two million it seemed all work and school had come to a stop. I estimated later that close to half the city's population -- almost a million people -- must have left their jobs and classrooms. People crowded into every available space -- along the sidewalks, on steps, jammed in doorways. Faces pressed at each small window of the five-story red and yellow brick buildings. Soldiers and policemen stood along the streets at intervals to keep the way clear.

A shout went up the four-lane main street: "It's coming!" At once everyone froze still and silent. People stood on tiptoe and small children sat on shoulders.

First it was the sound of motorcycle engines. Then fifteen or sixteen armed policemen on two- and thee-wheelers came slowly into sight. The only sound above the low-throttled engines was the crackle of a police radio.

The main attraction followed immediately: Forty-five flatbed trucks, one after another, rolled by at no more than five m.p.h. Since the police department has very few of its own, the trucks had been borrowed from factories, all different makes and colors. At the front of each truck bed, just behind the cab, stood a condemned man bound with heavy rope. The rope rand in an "X" across his chest and around to his back, holding in place a tall narrow sign. On the top half of each sign was an accusation: "Thief," "Murderer," "Rapist." On the bottom half was the accused's name, marked through with a large red "X." The prisoners seemed to be wearing their own tattered clothes. Each was flanked by two policemen.

When we have seen something special, we Chinese say that our eyes have been lucky. The thought crossed my mind that the parade was moving so slowly to give the people lucky eyes. Parading criminals this way is a practice going back deep into Chinese feudalism. For two thousand years we have been conditioned to feel we are fortunate to see such things.

The forty-five carried themselves in various ways. Some were standing with heads down. other carried their head upright, defiantly. Others wept openly, seeming full of remorse at their crimes, or perhaps despairing of clearing their names. As the trucks rolled past, some of the condemned turned their heads from side to side, staring wide-eyed -- as if the whole scene were unreal and they were already on the way to the West Heaven of the common people's traditions.

I though of the many modern Chinese movies and novels that continually show scenes of Guomindang (Nationalist) and Japanese executions of Communists during the Party's thirty-year struggle for power, in which a hundred thousand Communists died. Before being executed, the heroes are asked if they have anything to say. Invariable they shout out, "Long live Chairman Mao!" or "Long live the Communist Party! Long live Marxism!" and just before dying they break into the Internationale.

But this day in Zhengzhou, if any of the forty-five had something to say to the people, no one heard it. Another, more slender rope was draped around each condemned man's neck. If he had begun to shout or struggle, we all knew one of the two policemen standing beside him would have pulled on the choking rope. If he continued, the other policeman had a small dagger. Driven in the back and left undisturbed, the

dagger would let no blood escape. The two policemen could then hold the body up all the way through the parade and execution. For the performance must go on. The people must receive some education.

Behind the trucks came about twenty-five small black cars, carrying fifty or sixty party of police cadres. Very slowly the parade wound through the main streets of Zhengzhou, attracting followers at every turn. By the time it reached the outskirts of the city, perhaps a hundred thousand of the million onlookers in the city were actively following. The streets were strewn with trash, everyone was stumbling and streaming with sweat and out of breath, but still they followed the forty-five trucks. Somebody bicycles. Most, like me, alternately ran and walked. We knew the most dramatic act was coming.

Three miles outside the city a dry creekbed widen out into a cornfield. The widening is maybe two hundred by four hundred yards. Yellow banks from three -to six-feet high form a huge natural amphitheater. Corn the height of a man grows on the banks, up to their edges. An below, a fine green grass covers the creekbed. The horde following the parade swept onto the site, flattening the corn on the banks. I followed along in the crowds, wondering, Why are we trampling food to watch people killed?

The lower end of the widening is bounded by a highway, the same height as the banks. The parade vehicles sat in formation on the road, stopping all other traffic. A ramp, in the right corner, led from the road down to the creekbed. A loose ring of policemen in white jackets and blue pants stood around the edges of the creekbed to keep the people from spilling from the banks down into the grass.

Out in the center was a row of wooden stakes with circular signs numbered one to forty-five. About six feet in front of each stake a hole had been dug, roughly a foot in diameter and six-inches deep. The cadres got out of their cards, walked down the ramp, and stood in a group, looking over the preparations. The accused already had been brought down from the truckbeds and were being kept in waiting beside the trucks.

Three red flares suddenly shot high into the sky from the road somewhere behind the prisoners. Each escorted by two white- and blue-uniformed policemen, the accused were now marched rapidly down the ramp, the signs still tied behind them. some has lost the use of their legs from fear. These the policemen dragged to their places.

The moment the forty-fifth reached his place, three green flares launched into the air. Before they fell out of sight, from seemingly nowhere a line of forty-five green-uniformed policemen carrying rifles filed quickly into the creekbed. they took positions behind each prisoner.

Several seconds after the last policeman reached his place, three yellow flares went up. The two escorting policemen in blue and white caught each man behind the knees, forcing him to a kneeling position, and then separated to each side. In unison, the green-uniformed policemen stepped forward and put a rifle barrel within ten inches of the backs of the accused's heads.

The forty-five shots rang out in one voice.

Together, the bodies jerked forward and splayed out in different ways on the grass, bloody pieces landing to both sides of the holes, and some actually in the holes. The ring of policemen below the banks

held the staring crowd back. A hundred and thirty-five policemen -- two escorts and one executioner for each prisoner -- made a single line, marched quickly back to the trucks, and were driven away. their job was finished.

Down the ramp came fifteen or sixteen white-gloved policemen with clipboards and pistols. Stopping at every body they jotted quick notes on the clipboards. A few of the bodies, not having been hit squarely, still lay twitching or quivering. These were shot again.

the cadres stood briefly at the bottom of the ramp discussing something. Then they looked at their watches, walked up to their cars, and drove back to the city. The white-gloved policemen with the clipboards filed into tow of the remaining trucks. I glanced at my watch. It was twelve noon.

The only officials remaining were the twenty or thirty policemen who now were ringing the bodies. Suddenly, as the cadres' cars went out of sight down the highway, the people surged down from the banks and closed in, shouting. The front rows broke through the police line to where the bodies lay, and stopped short in horror as they got near enough to make out details. But the pressure behind them was too great; many were pushed ahead and forced to trample the bodies. some fell sprawling over them. One man beside me was pushed out of his shoes. Kid screamed at the sight of blood and pieces of skill. Some blood got on my shoes. To protect the bodies, a policeman pulled out one of the numbered stakes, scooped up some brains on the circular sign, and held the people at bay with it. They reared back ten or fifteen feet in a circle around him.

An hour or so later, along with most of the crowd, I left. But I heard that at midnight, under a bright moon, several thousand people remained to stare at the bodies, and that through the night other continued coming.

Most of the executed's families did not come to claim the bodies, although they would have had to pay just the minimal "bullet fee" to take possession. It wasn't only that the bodies were badly mutilated. It was necessary to draw a clear line between an executed relative and oneself. Claiming the body would demonstrate that one still had some sympathy with a criminal. So the bodies remained displayed until the third day, when they were taken somewhere and disposed of.

The following day everywhere in the city the city court posted announcements, with pictures of the executed's mutilated upper bodies. They described the criminals, their backgrounds, and their various crimes. Nowhere was there any discussion of the justice of the sentences. No mitigating circumstances of any kind were mentioned. there had been no trials; no one really knew what kind of people had been killed.

But the people knew there were Party activists circulating among them dressed as peasants, listening for inappropriate opinions. So they gathered in front of the announcements and chattered about the misfortune of the executed's families. Many of them had had lucky eyes. But no questioning showed in their faces ...

This one performance was finished. Across China that September and October there were many

shows. This one in Zhengzhou ran twice again. and china has thirty provincial capitals. Shanghai sent a hundred and one purported criminals on to West Heaven; Wuhan, sixty-eight; Peking, maybe seventy-nine. Inside China many have guessed at the number killed during that golden autumn of 1983. Some put it at 80,000. Some at 150,000. But this is only guesswork.

The numbers almost certainly runs well into six figures. during those two months every provincial capital and county seat in China produced such shows. China has two thousand counties. If every county executed only give the tally would come to 10,000. If ten, 20,000. And if the play was produced three times, how many?

I don't know.

One man, though, knows. He ordered all the fresh clipboard reports sent to his office. Like all Chinese, Deng Xiaoping is very proud of five thousand years of civilization. And government of, by, and for the people is no more a part of Deng's policies than it is part of china's historical legacy.

This too is a face of what is happening in China.

深圳公審大會 十三人被處死

一犯呼冤勒暈 拾往刑場槍決

【本報深圳訊】深圳廣日前於暈十三名罪犯，其中一名殺人犯被押上宣判台時大叫冤枉，旋即被押解他的武警幼住脖子拖往後台斃暈，後來要抬往刑場槍決。

龍崗區法院受深圳市中級法院委託，十八日上午在平湖鎮一個剛推平的開發區土地上召開宣判大會，當局組織了近二萬名市民到場觀罪。當行刑的武警將十三名死囚押到宣判台前等候宣判時，其中一名被四名武警押著的死囚，突然大叫冤枉，四名武警馬上勒緊他脖子上的繩索，他即時失聲，旋即被押回後台一輛準備載死囚到刑場的大卡車上狂殿至昏死過去。

據了解，該名殺人犯叫蔣中青，九二年在一宗劫殺案中重創事主，受害人被送院治療一段時間後移告不治，被告當場被捕，而公安機後亦改控他故意傷人至死罪，並由檢察院向法院提出公訴。但控方非常狼狽的是，到上庭時才發覺已丟失了事主的被劫校資料及驗屍報告，而這些都是控罪的重要證據。被告可能有點法律常識，故在得知這一情況後，在庭上大呼冤枉，改口說控方指他殺害的人，其實已經逃之夭夭，並沒有死。

此案如在外國，法官可能會以證據不足爲理由，宣布將被告無罪釋放，但是該案法官竟接納公訴人在較早前所錄得的被告犯罪口供，而將他判了死刑，被告不服，提出上訴，也許由於該案情況特殊，故廣東省高級法院拖到近期才核准死刑判決。

據悉，蔣中青十七日晚在看守所內知道執行槍決的決定後，曾大聲表示抗議，並聲稱會在宣判大會上鳴冤，爲此法院方面十八日晨已作好準備，本來其他死囚都是由兩名武警押出場的，獨是他由四名武警押解，故當他出場用叫「冤枉」兩個字時，即將他頭上的繩索勒緊，使他出不了聲，並旋即押回後台，以免出現尷尬場面。

十八日龍崗槍決的十三名罪犯分屬十宗案件，有五宗是故意殺人、故意傷害及搶劫案，另五宗是強姦、強迫婦女賣淫及盜竊案，其中案犯劉志堅因爲小爭執便糾黨將對方殺死，殺人後再肢解成八大塊，拋到蓮花山荔枝園內，而案犯胡再生等人則在光天化日之下攔路搶劫一名女子，並將女事主輪姦；來自四川渠縣的許紅軍、唐福軒，則將家鄉兩名女子騙來沙井，強姦後強迫她們賣淫，後又將兩人賣往其他的淫窟。

由 被起逃 民犯三左爲省

World Journal December 19, 1995

(underlined text)
One day after Shenzhen executed 13 criminals involved in the Baoante Road robbery and murder case, on the 18th 13 more were executed in Longgang District Pinghu town...
In the morning of the 18th in Pinghu town a sentencing rally was held at a recently leveled lot in the development zone. Relevent departments organized nearly 20,000 townspeople to view the scene.

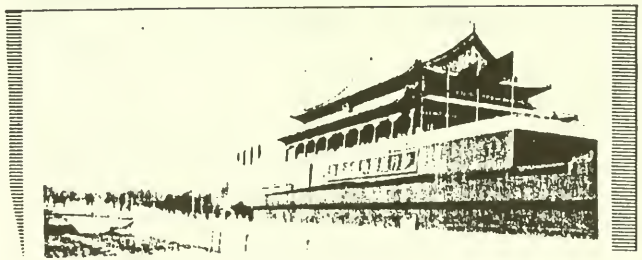
九六年第一場公開宣判大會 十九名犯罪分子被判死刑

新年重氣殺 深圳一舉槍決十四人

【本報深圳訊】深圳市中級人民法院今日舉行一九九六年深圳市法院首場公開宣判大會，依法對十三宗刑事案件的三十七名罪犯進行公開宣判，其中十四名罪犯被判處死刑，押赴法場，執行槍決。

此次宣判的十三宗刑事案件，主要是搶劫、流氓、強姦罪六宗二十人，其中兼有逃脫、非法買賣槍支彈藥罪、販賣毒品罪案四宗六人，盜竊、銷贓罪案一宗七人，強迫他人賣淫罪案二宗三人。其中流氓罪犯程某在刑滿釋放後，於一九九三年七月二十一日晚，夥同另一名案犯在巴登村巷口手持自製的火藥槍對行人實施搶劫，搶得人民幣、港幣、美金等及存摺八本，（內有存款六十四萬多元，港幣四萬多元）；販毒罪犯吳某、唐某、邱某、林某結夥參與販賣毒品海洛因，數量巨大，罪犯李某在四川服刑期間逃脫，來到深圳結夥持械人室搶劫，情節極其惡劣；搶劫罪犯朱某、曾某、陳某分別結夥在營運汽車上、寫字間等地使用暴力、採取威脅、綑綁等手段搶劫他人錢財，並致人傷亡。

深圳市中級人民法院經過審理後，依法對其中十四名惡貫滿盈的罪犯判處死刑，剝奪政治權利終身，另外，尚有六人被判處死刑緩期執行，八人判處無期徒刑，九人被判處有期徒刑。



World Journal January 20, 1996

(underlined text)
The first public sentencing rally in 1996 held by the Shenzhen courts was carried out on (January) 19...14 criminals were sentenced to death and brought to the court execution grounds where the executions were carried out.

APPENDIX III

世界日報
中華民國八十五年二月十三日 星期二

APPENDIX IV

一

深圳49罪犯宣判 16人判處死刑

假出口騙取退稅 顧少光遭槍決

【中新社北京十二日電】據中新社報導，最高人民法院今天公佈了對深圳市私營企業全盛實業有限公司總經理顧少光等人、原香港順發貿易公司、源豐貿易公司、錦倫實業公司經理何廷輝等人、原湖南省株洲鋼廠等職務新人員盧榮明、利用虛開增值稅專用發票、詐騙取國家出口退稅三起大案的判處結果：顧少光被判處死刑，今天在當地被執行槍決；林楚禮、何廷輝、盧榮明等人，分別被判處死刑，緩期二年執行，無期徒刑或有期徒刑。

今年四十歲的顧少光個人投資開辦了深圳市全盛實業有限公司，自任總經理。從一九九四年十一月至去年五月間，顧少光夥同林楚禮以該公司名義為他人虛開增值稅專用發票，用於騙取國家出口退稅，從中收取好處費。先後為十六家外貿進出口公司、虛開增值稅專用發票價款共計人民幣一點零六億多元，稅額一千八百萬餘元。顧少光實得贓款一百三十二萬餘元，林楚禮實得贓款十八萬元。

原香港順發貿易公司、源豐貿易公司、錦倫實業公司經理何廷輝為騙取國家出口退稅，從去年一月至四月間，夥同顧錦堅、蘆繡作案三次，實際騙取國家出口退稅款七十七點九萬餘元人民幣。何廷輝共得贓款二十二點七萬元，顧錦堅得贓款八萬元。

原湖南省株洲鋼廠停職留薪人員盧榮明，參與不法分子詐騙國家出口退稅兩起，詐騙稅額人民幣二百九十二點六萬餘元。盧榮明從中收取介紹費五點五萬元。

【本報深圳訊】深圳市中級人民法院十二日星行審判大會，對十宗涉及開增值稅專用發票、詐騙、搶劫、故意殺人、強姦、私藏槍枝彈藥等四十九名罪犯進行宣判，其中十六名罪犯被判處極刑，即時被槍決。此外，尚有一名名叫何廷輝的香港人被指犯有詐騙罪，騙取大額退稅款被判處無期徒刑。

此次宣判大會是深圳最近最大規模的一次，四十九名罪犯全部是男性，而且年紀都很輕。除了十六名死刑外，尚有多人被判處無期徒刑以及十五年至三年不等的刑期。十二日，公判大會其中一宗發生於惠東及深圳的盜竊案主犯連六也被判處極刑。該案也涉及兩名香港人阿祥及阿錦，要另案處理。

法院公判指出，自九一年二月以來，惠東人連六勾結上述兩名香港人以及兩名內地犯罪分子，分別在深圳市桂景樓下、園嶺新村等地盜得三部吉普車，皇冠小汽車三輛，其中連六偷竊車四輛，得贓款人民幣二十九萬多元，港幣三十六萬元，其餘二輛汽車在開往惠東縣銅鑼灣中被公安截獲。

World Journal February 13, 1996

(underlined text)
The Middle People's Court of Shenzhen on (February) 12 held a sentencing rally...where 49 criminals were sentenced, including 16 criminals who were sentenced to death and immediately executed.

APPENDIX V

A13 (二)聞新陸大 WEDNESDAY, FEBRUARY 7, 1996

李沛瑤效應 北京迅即槍決八重犯

刑事案增長 公安部長稱形勢嚴峻

【中央社北京六日電】中共「全國人大常委會副委員長」李沛瑤在自宅遇害身亡，對北京社會治安是一大警訊。命案發生後三天，市法院宣判八名持槍搶劫的重刑犯死刑並隨即槍決，藉此遏制犯罪升高並應付各界指責聲浪。

具有國家領導人身分的李沛瑤二日在家中遭到警衛人員殺害，震驚了北京高層。這項消息一方面意味著犯罪浪潮升高，嚴負責治安保衛工作的人員都參與犯罪行列；另一方面引起當政官員人人自危，認為社會治安敗壞，人身安全缺乏保障，並交相指責北京市當局疏於其咎。

為了應付排山倒海的壓力，北京市迅速採取補漏措施。「北京日報」報導，北京市第一中級法院在朝陽區召開公判大會，對分別犯有流氓、搶劫、非法買賣槍支、彈藥、脫逃、盜竊罪的賈文德、陳建民、張立民、李敬國、魏華成、任強、韓東、林健八名罪犯進行公開宣判。

宣判後，北京市高級法院院長立即下達執行命令，把八名罪犯押赴刑場，執行槍決。

【中通社廣州六日電】廣州市天河、白雲、荔灣、芳村四區和花都、增城兩市今天同時舉行嚴厲打擊嚴重刑事犯罪的宣判執行大會，共判十四名殺人、搶劫、盜竊、強姦等罪犯宣布執行死刑，亦立即押赴刑場，執行槍決。

這次被處決的十四名罪犯的犯罪活動有下列特點：一是犯罪手段兇殘，有的僅因夫妻關係不和或戀愛不成就殺害女方。增城農民姚劉芳就因夫妻關係不和而用殺豬刀將妻子殺死。

二是作案次數多，犯罪數額大。江西省人高偉聖，於一九八七年至一九八九年間與他人結夥，先後竊到廣州市、惠州市和韶關市盜騙汽車十八輛，價值人民幣一百六十四萬多元。

三是從內地來穗的外來人員犯罪突出。這次被處決的十四名罪犯中，有八名是來自湖南、四川、浙江等內地省份。上述四區兩市，今日還對一批刑事罪犯宣布有期徒刑以內的判決。

【中新社北京六日電】中國公安部長陶駟駒今天說，今後一個時期警方將面臨嚴峻的治安形勢，刑事案件總量亦將呈增長之勢。

第十九次全國公安會議今天在北京舉行，陶駟駒在會上作了長篇講話。

「八五」期間，中國警方共破獲重大刑事案件一百九十六萬餘起，查獲贓款贓物折合人民幣高達二百四十億元。與此同時，警方還查處了貪腐案六十七起七千多起，處理了一百三十四萬人次。五年中，警方查收繳了軍用槍支一萬二千餘支及六百九十四萬餘發子彈。

嚴巨的治安形勢也使警方付出了沉重的代價，一千五百四十二名幹警英勇犧牲，近四萬民警負傷。

陶駟駒說，今後五年警方的奮鬥目標是維護社會治安秩序的穩定，保持社會治安秩序的平穩態勢，降低重大刑事案件的上升幅度，進一步增強人民群眾的安全感。這位部長稱，在今後一個時期，地方治安問題將日趨嚴重，降區降境犯罪、有組織犯罪、利用計算機和其他技術手段犯罪的問題還將進一步發展，嚴重暴力犯罪、重大經濟犯罪、侵犯財產犯罪、毒品犯罪以及實施報復、製賣販賣等社會國忌現象，對治安秩序和經濟秩序的危害將更加突出。

World Journal February 7, 1996

(underlined text)
The Beijing court sentenced eight criminals to death whereupon they were immediately executed.

中共中央宣传部
最高人民法院
最高人民检察院
公安部　司法部
关于严防反动报刊利用我处决犯人进行造谣诬蔑的通知

（1984年11月21日）

各省、自治区、直辖市党委宣传部；高级人民法院、人民检察院、公安厅（局）、司法厅（局）：

据我常驻联合国代表团反映：美国今年10月8日出版的《新闻周刊》，刊登我广西壮族自治区阳朔县处决刑事罪犯的现场照片，并根据"大赦国际"的"报告"，撰文诬蔑我打击刑事犯罪的斗争为迫害"思想犯"或"政治犯"，是"侵犯基本人权"。在此之前，国外及港台反动报刊也曾利用我在交通要道附近执行死刑和在大街上张贴处决犯人的布告，进行造谣诬蔑。鉴此，为防止给国外和港台的反动报刊宣传提供口实，今后各地处决犯人时，务必十分注意遵守下列各点：

1.严格控制处决犯人的现场。除依法执行死刑的司法工作人员外，其他任何人不准进入刑场或拍摄执行死刑的场面。

2.司法机关因工作需要拍摄的照片，必须严格管理，严禁外传。如果传播出去，为反动宣传所利用，必须追究当事者和有关领导人的责任。

3.执行死刑的刑场，不得设在繁华地区、交通要道和旅游区附近。执行死刑不准游街示众。

4.处决罪犯的布告应在机关、团体、企事业单位内部张贴，不要不择场合地到处张贴。

5.集中处决犯人的消息、数字和执行死刑的图片，不能上宣传栏、报刊、广播、电视。对严厉打击刑事犯罪斗争的宣传，主要应通过揭露犯罪分子的罪恶，反映群众的严正要求，大力宣传严厉打击刑事犯罪斗争的正义性、必要性和重要性；用富有说服力的事实，宣传这一斗争在维护社会治安、保障国家安全、保护人民利益、教育挽救失足者、争取社会风气根本好转等方面所取得的可喜成果。国内反革命案件，一般不要见报。报道其他刑事犯罪案件时，也不宜渲染其政治色彩。

CIRCULAR OF
CENTRAL PARTY COMMITTEE DEPARTMENT OF PROPAGANDA,
SUPREME PEOPLE'S COURT,
SUPREME PEOPLE'S PROCURATORATE,
MINISTRY OF PUBLIC SECURITY,
AND MINISTRY OF JUSTICE:
TAKE STRICT PRECAUTIONS AGAINST
REACTIONARY PRESS STARTING RUMORS
AND SLANDERING ON THE ISSUE OF
EXECUTION OF PRISONERS IN OUR COUNTRY

(November 21, 1984)

To: Departments of propaganda and party committees of various provinces, autonomous regions and municipalities directly under the central government; higher people's courts, higher people's procuratorates, departments and bureaus of public security and justice:

As reflected by our permanent mission at the United Nations, the American periodical Newsweek in its issue of October 8, 1984 published photos taken at a site where criminals were executed in Yangsuo County of Guangxi Autonomous Region. The periodical, based on a "report" by Amnesty International, compiled an article slandering out movement of dealing blows at crimes as persecution of "ideological prisoners" or "political prisoners" as an "encroachment on basic human rights." Prior to this, reactionary press abroad, including Hong Kong and Taiwan, using announcements of execution of prisoners posted at traffic junctions in our country, started rumors and slandered. In view of this, to avoid offering pretexts to the reactionary press abroad, including Hong Kong and Taiwan, the following points should be observed during execution of prisoners:

1. Strictly control sites of execution of prisoners. Except for judicial personnel executing prisoners, unauthorized personnel are not allowed to enter sites of execution or take photos of the scenes of execution.

2. Judicial units must strictly handle such photos as their work requires. Precautions must be taken to avoid the photos going abroad. Should the photos go abroad and get into the hands of reactionary propaganda, responsibility for concerned personnel and their superiors shall be investigated and affixed.

3. Sites where prisoners are executed must not be located in busy areas, traffic junctures and tourist areas. Prisoners must not be paraded through the streets prior to execution.

4. Announcements of execution of criminals must be posted within institutions, organizations and enterprises, never randomly.

5. Photos of announcements, numbers or the carrying out of executions en masse are not to be posted on propaganda displays, printed, or broadcast on television....Domestic counter-revolutionary cases generally are not to be referred to or posted. When reporting cases of other sentenced criminals, political references also must not be unsuitably disseminated.

最高人民法院
最高人民检察院
公安部　司法部
关于执行死刑严禁
游街示众的通知

（1986年7月24日）

各省、自治区、直辖市高级人民法院、人民检察院、公安厅（局）、司法厅（局）

近年来，各地在执行死刑时，对死刑罪犯游街示众的情况已经减少了很多，在文明执法上有了很大的进步。但是，还有极少数地方押解死刑罪犯执行时仍然采取插签游街示众的做法。这种做法不符合社会主义文明的要求，社会影响也不好，必须坚决纠正。

我国刑事诉讼法第一百五十五条第三款规定："执行死刑应当公布，不应示众。"中共中央宣传部、最高人民法院、最高人民检察院、公安部、司法部于1984年11月21日联合发出的《关于严防反动报刊利用我处决犯人进行造谣诬蔑的通知》，也规定："执行死刑不准游街示众。"还规定："执行死刑的刑场，不得设在繁华地区、交通要道和旅游区附近。""严格控制处决犯人的现场。除依法执行死刑的司法工作人员外，其他任何人不准进入刑场或拍摄执行死刑的场面。"今后各地处决死刑罪犯务必要严格依照刑事诉讼法和有关的规定行执，严禁将死刑罪犯游街示众，特别是开放城市更要严加注意，以免对外造成不良影响。

**NOTICE OF SUPREME PEOPLE'S COURT,
SUPREME PEOPLE'S PROCURATORATE,
MINISTRY OF PUBLIC SECURITY,
MINISTRY OF JUSTICE
ON STRUCTLY BANNING
PARADING PRISONERS THROUGH STREETS
PRIOR TO EXECUTION**

(July 24, 1986)

To: Higher People's Courts, Higher People's Procuratorates, departments/bureaus of public security and justice of various provinces, autonomous regions and municipalities directly under the central government:

Of recent, there have been much less occurences of parading prisoners through streets prior to their execution in various places, and big headway has been made in civilized implementation of the law. However, a few places are still parading prisoners through streets with signboards fixed to their body prior to their execution. Not only is this inconsistent with norms of socialist civilization, but it creates a bad impression. Such practice must be done away with resolutely.

Item 3, Article 155 of our Law of Criminal Suits stipulates: "Execution of death penalty should be announced, but prisoners should not be paraded through streets." The Circular of the Department of Propaganda of the Central Committee of the Party, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice "Take Strict Precaution Against Reactionary Press Starting Rumors and Slandering on the Issue of Execution of Prisoners" of November 21, 1984 also stipulates: "Parading prisoners through streets prior to execution is banned." It further stipulates: "Sites of execution must not be located in busy areas, in traffic junctures and tourist areas." "Sites where prisoners are executed must be strictly controlled. Except for judicial personnel executing prisoners, unauthorized personnel are prohibited from entering sites of execution or taking photos of scenes of execution." In the future, all places, while executing prisoners, must strictly obey the Law of Criminal Suits, ban parading prisoners through streets prior to execution, in particular in cities open to abroad, so as not to create bad impressions.

最高人民法院
司　法　部
关于各地法院对于被判处死刑的反革命分子，应于执行死刑后及时通知其家属的通报

（1953年9月29日）

据北京市人民法院来呈反映：近来在处理案件中，发现各地在处理反革命分子死刑后，因未通知其家属，致发生一些不必要的案件，造成人力、物力的浪费。如北城区人民法院于1952年1月有反革命分子家属杨佩林去院请求与秦宗禹离婚，该院与张家口人民法院往返公函两次，始知秦宗禹早于1950年12月为察哈尔省人民法院判处死刑。为此建议我们通报各地法院及公安机关对已执行死刑的反革命分子及时通知其家属，以免再有类似事件发生。兹特联合通报：今后各地法院对于被判处死刑的反革命分子，执行后应即通知其家属，希查照并即转知所属各级人民法院。

**CIRCULAR OF
SUPREME PEOPLE'S COURT
AND
MINISTRY OF JUSTICE
TO COURTS AT ALL LEVELS:
NOTIFY FAMILIES OF EXECUTED
COUNTERREVOLUTIONARIES PROMPTLY
AFTER EXECUTION**

(September 29, 1953)

As reflected by the Peking Intermediate People's Court, it is been established recently that courts at various levels have failed to notify families of executed counterrevolution- aries, which creates unnecessary cases as well as waste of human and material resources. For instance, in January 1952 YANG Pei-Lin, an executed counterrevolutionary's wife, filed at Beicheng District People's Court for divorce with CHIN Chong-Yu. The court sent two official letters to Kalgan People's Court and was informed that CHIN Chong-Yu had been sentenced to death penalty in December 1950. We suggest courts and public security units at various levels to promptly notify families of executed counterrevolutionaries of the execution, lest other similar cases occur. We hereby issue the joint circular: courts at all levels should promptly inform families of executed counterrevolutionaries after the execution. This circular should be conveyed to people's courts subordinate to you.

最高人民法院
最高人民检察院
公安部　司法部
卫生部　民政部
关于利用死刑罪犯尸体或尸体器官的暂行规定

（1984年10月9日）

各省、自治区、直辖市高级人民法院、人民检察院、公安厅（局）、司法厅（局）、卫生厅（局）、民政厅（局）：

随着我国医学事业的发展，一些医疗、医学教育、医学科研单位为进行科学研究或做器官移植手术，提出了利用死刑罪犯尸体或尸体器官的要求。为了支持医学事业的发展，有利于移风易俗，在严格执行法律规定、注意政治影响的前提下，对利用死刑罪犯的尸体或尸体器官问题，特作规定如下：

（一）对判处死刑立即执行的罪犯，必须按照刑法有关规定，"用枪决的方法执行"。执行完毕，经临场监督的检察员确认死亡后，尸体方可做其他处理。

（二）死刑罪犯执行后的尸体或火化后的骨灰，可以允许其家属认领。

（三）以下几种死刑罪犯尸体或尸体器官可供利用：

1.无人收殓或家属拒绝收殓的；

2.死刑罪犯自愿将尸体交医疗卫生单位利用的；

3.经家属同意利用的。

（四）利用死刑罪犯尸体或尸体器官，应按下列规定办理：

1.利用单位必须具备医学科学研究或移植手术的技术水平和设备条件，经所在省、市、自治区卫生厅（局）审查批准发给《特许证》，并到本市或地区卫生局备案。

2.尸体利用统一由市或地区卫生局负责安排，根据需要的轻重缓急和综合利用原则，分别同执行死刑的人民法院和利用单位进行联系。

3.死刑执行命令下达后，遇有可以直接利用的尸体，人民法院应提前通知市或地区卫生局，由卫生局转告利用单位，并发给利用单位利用尸体的证明，将副本抄送负责执行死刑的人民法院和负责临场监督的人民检察院。利用单位应主动同人民法院联系，不得延误人民法院执行死刑的法定时限。

对需征得家属同意方可利用的尸体，由人民法院通知卫生部门同家属协商，并就尸体利用范围、利用后的处理方法和处理费用以及经济补偿等问题达成书面协议。市或地区卫生局根据协议发给利用单位利用尸体的证明，并抄送有关单位。

死刑罪犯自愿将尸体交医疗单位利用的，应有由死刑罪犯签名的正式书面证明或记载存人民法院备查。

4.利用死刑罪犯尸体或尸体器官要严格保密，注意影响，一般应在利用单位内部进行。确有必要时，经执行死刑的人民法院同意，可以允许卫生部门的手术车开到刑场摘取器官，但不得使用有卫生部门标志的车辆，不准穿白大衣。摘取手术未完成时，不得解除刑场警戒。

5.尸体被利用后，由火化场协助利用单位及时火化；如需埋葬或做其他处理的，由利用单位负责；如有家属要求领取骨灰的，由人民法院通知家属前往火化场所领取。

（五）在汉族地区原则上不利用少数民族死刑罪犯的尸体或尸体器官。

在少数民族聚居地区，执行本规定时，要尊重少数民族的丧葬习惯。

Provisional Regulations of
The Supreme People's Court, The Supreme People's Procuratorate, Ministry of Public Security, Ministry of Justice, Ministry of Public Health and Ministry of Civil Affairs
on the Use of Dead Bodies or Organs From Condemned Criminals

October 9, 1984

TO:
The Supreme People's Court; The People's Procuratorate, Department (Bureau) of Public Security; Department (Bureau) of Justice, Department (Bureau) of Public Health, Department (Bureau) of Civil Affairs
at Provincial and Autonomous Region levels and of centrally-controlled Municipalities:

With the development of the medical science in our country, some hospitals, medical institutions and units involved in medical education and scientific research have put forward proposals concerning the use of the dead bodies or organs from condemned criminals in scientific research or organ transplantations. In order to support the development of the medical science and to change social customs and traditional habits, with the strict implementation of the legal provisions and being aware of the political impact as prerequisite, the following measures are formulated in relation to the use of the dead bodies or organs from condemned criminals:

I. Those criminals who are sentenced to death and executed immediately must "be executed by means of shooting" in light of the relevant provision in the Criminal Law. When the execution is over, the dead bodies could be otherwise dealt with only after death is confirmed by the supervising procurator on the spot

II. The dead bodies or organs from condemned criminals after execution or the remains can be collected by their family members.

III. The dead bodies or organs of the following categories of the condemned criminals can be made use of:

1. The uncollected dead bodies or the ones that the family members refuse to collect.
2. Those condemned criminals who volunteer to give their dead bodies or organs to the medical institutions;
3. Upon the approval of the family members.

IV. The following provisions must be observed regarding the use of dead bodies or organs from condemned criminals:

1. The units making use of the dead bodies or organs must maintain the technical level of and be provided with equipment necessary for the medical scientific research or transplantation, they must be examined, approved and granted "special permits" by

Department (Bureau) of Public Health of the provinces or autonomous regions within whose jurisdiction these units are located, and they must go to Bureau of Public Health of the Municipality or District for record.

2 The use of dead bodies shall be arranged in an unified way by Bureau of Public Health of the Municipality or Prefecture, which shall contact the People's Court and the units using the dead bodies respectively in accordance with the order of importance and urgency and the principle of comprehensive use.

3 After the execution order of death penalty is issued, and there are dead bodies that can be directly used, the People's Court should inform in advance Bureau of Public Health of the Municipality or Prefecture, which shall pass on the information to the units using the dead bodies and grant them permits to use the dead bodies, copies should be sent to the People's Court responsible for the execution of death penalty and the People's Procuratorate in charge of the on-the-spot supervision. The units using the dead bodies should contact the People's Court on their own initiative, within the prescribed time limits of the execution of death penalty by the People's Court.

As to the dead bodies that could be used only upon the approval of the family members, the People's Court is to inform the department in charge of public health which with consult the family members, and consequently reach written agreement in relation to the scope of use, disposal after use, disposal expenses and economic compensation and etc. Bureau of Public Health of the Municipality or Prefecture shall, according to the agreement, grant the units the certificates to use the dead bodies, copies should be sent to the units concerned.

When the condemned criminals volunteer to give their dead bodies to the medical institutions, there should be formal written certificates or records duly signed by the same, which should be kept in the People's Court for future reference.

4 Use of the dead bodies or organs from condemned criminals must be kept strictly confidential, attention must be paid to the effect, they should in general be used within the units. Only in real need, and upon the approval of the People's Court executing the death penalty, can the operation vehicles from medical institutions be allowed entry into the execution ground to remove organs, but vehicles with the logo of medical institutions are not to be used, and white clinic garments are not to be worn. The execution ground should be guarded against before the operation is completed.

5 After the dead bodies are used, the crematory shall assist the units in timely cremation, in case there is need to bury or to deal with otherwise, the units using the dead bodies shall bear the responsibility; if the family members wish to collect the remains, the People's Court is to inform them to collect at the crematory.

V In areas densely inhabited by the Han nationality, in principle, the dead bodies or organs from the condemned criminals of minority nationalities are not to be used.

In areas inhabited by minority nationalities, respect should be shown to the mourning and funeral customs in the implementation of the Regulations

APPENDIX X

关于对反革命分子必须打得稳打得准打得狠的电报

（一九五一年一月十七日）

饶陈，邓潭，邓贺，习张，薄聂刘，高贺，叶方(1)诸同志，

顷接中南局转来湘西四十七军关于镇压反革命情况的报告，在湘西廿一个县中杀了匪首恶霸特务四千六百余人，准备在今年由地方再杀一批，我以为这个处置是很必要的。只有如此，才能使敌焰下降，民气大伸。如果我们优柔寡断，姑息养奸，则将遗祸人民，脱离群众。华北新区约有二千万左右人口是在一九四九年及一九五〇年两年内用比较和平的方法分配土地的，匪首恶霸特务杀得太少，至今这些地方的地主威风还有很多没有打下来，贫苦群众不敢抬头。一贯道等会门甚为猖獗，有众二百余万。故现在须重新提出镇压反革命的问题。而在华北老区及东北老区则因对反革命镇压彻底，人民高兴，生产积极，匪患绝迹。当然，我们不应重复华北老区在一九四六年及一九四七年许多地方所犯过的乱捉乱杀错误，在华东、中南、西南、西北各新区必须注意这一点。只要不杀错，又注意策略（事先事后向各界人民多做宣传解释工作，注意时间地点，分期分批，分军队地方等等），对于真正的匪首恶霸及坚决的特务分子，必须在

(underlined text)
January 17, 1951

To:...Comrade Deng (Xiaoping)

"In 21 counties in west Hunan over 4,600 bandit chieftains, local tyrants and Kuomingtang agents were killed. Another batch will soon be killed by local authorities. I think this is very necessary..."

"...in especially concentrated areas, (we) must kill big batches... To strike difinitively, we don't want to kill wrongly. Dealing heavy blows means killing all reactionaries who should be killed with a firm hand."

Mao Zedong
January 17

人民群众拥护的基础之上，坚决地处以死刑。特别是那些土匪猖獗，恶霸甚多，特务集中的地方要大杀几批。所谓打得稳，就是要注意策略。打得准，就是不要杀错。打得狠，就是要坚决地杀掉一切应杀的反动分子（不应杀者，当然不杀）。只要我们不杀错，资产阶级虽有叫唤，也就不怕他们叫唤。现当反美土改两个高潮的时机，请你们抓紧此事，普为处理。湘西四十七军关于镇压反革命情况的报告附后。

毛泽东

一月十七日

根据中央档案馆保存的原电录件刊印。已收入《毛泽东选集》第五卷。

注 释

〔1〕 饶，指饶漱石，当时任中共中央华东局第一书记、中国人民解放军华东军区政治委员。陈，指陈毅，当时任中共中央华东局第二书记、中国人民解放军华东军区司令员。邓，指邓子恢，当时任中共中央中南局第三书记、中国人民解放军中南军区第二政治委员。邓，指邓政，当时任中共中央中南局副书记、中国人民解放军中南军区第三政治委员。邓，指邓小平，当时任中共中央西南局第一书记、中国人民解放军西南军区政治委员。贺，指贺龙，当时任中共中央西南局第三书记、中国人民解放军西南军区司令员。习，指习仲勋，当时任中共中央西北局第一书记、中国人民解放军西北军区政治委员。张，指张宗逊，当时任中国人民解放军西北军区第一副司令员。聂，指聂一波，当时任中共中央华北局第一书记、中国人民解放军华北军区政治委员。聂，指聂荣臻，当时任中共中央华北局第

APPENDIX XI

中央关于转发第三次全国公安会议决议[1]的通知

（一九五一年五月十六日）

各中央局，分局，省委，区党委，市委及地委；各大军区，省军区，军分区及军党委：

（一）中央批准第三次全国公安会议的决议，中央认为这个决议是适时的和正确的，全党全军均必须坚决地完全地照此实行；（二）这个决议和本电必须转发给地委一级和军党委一级为止，这是机密文件，不得遗失；（三）第三次全国公安会议的详情，由各公安部长、厅长、局长向你们传达；（四）这个决议和本电已发华东局三野和福建等三处，中南局和广东广西湖南江西等五处，西南局和贵州云南等三处，西北局和一野新疆等三处，华北局和华北军区等二处，东北局一处，志司一处，其他均请各中央局各大军区和志司转发。

中　央

五月十六日

根据毛泽东手稿刊印。

294

(underlined text)
May 16, 1951

"...this is a top secret document.."

May 16
According to hand written instructions of Mao Zedong

第三次全国公安会议决议

（一九五一年五月十五日通过，经中央批准。这是机密文件，地方发至地委一级为止，军队发至军一级为止，不得遗失。）

中央双十指示〔2〕颁发以来的七个月中，在党委领导、全党动员、群众动员和全国公安机关积极工作之下，纠正了对待反革命"宽大无边"的右倾偏向，逮捕和处决了大量的反革命分子，广泛地发动了群众，使敌人大阵，民气大伸，使镇压反革命工作成为全国性的高潮，取得了伟大的胜利。全国人民欢欣鼓舞，拍手称快。使人民的胜利和人民的统治进一步地巩固起来。由于中央和毛主席的密切指导，镇压反革命运动的发展过程是正确的、健康的，一般地没有发生偏差和错误。

现在一般地区，处决反革命罪犯的总数已达很大数量，需要迅即加以收缩。有些地区，逮捕了大批反革命罪犯，亟须加以清理。有些干部，随着群众反奸情绪的高涨，已开始发生了"左"的错误倾向，需要加以预防或纠正。同时，镇压反革命工作在城市开展的结果，又发生了许多新的问题，并已开始牵涉到"中层"和"内层"。为了保证运动继续正常地健康地发展，特根据毛主席所指示的原则和罗瑞卿同志的报告，作出如下决议：

（一）关于杀反革命的数字，必须控制在一定比例以内；

(underlined text)

"Talking about the number of counterrevolutionaries to be killed, certain proportion should be set."

在农村中，一般应不超过人口的千分之一。特殊情况必须超过者，须经中央局批准，并报中央备案，但亦不应超过太多。西北方面根据那里的情况规定杀人不超过人口千分之零点五，这也是正确的。在城市中杀反革命，一般应低于人口的千分之一，以千分之零点五为适宜。例如北京二百万人口，已杀六百多，准备再杀三百多，共杀一千人左右也就够了。这里的原则是：对于有血债或其他最严重的罪行非杀不足以平民愤者和最严重地损害国家利益者，必须坚决地判处死刑，并迅即执行。对于没有血债、民愤不大和虽然严重地损害国家利益但尚未达到最严重的程度、而又罪该处死者，应当采取判处死刑，缓期二年执行，强迫劳动，以观后效的政策。特别是对于在共产党内，在人民政府系统内，在人民解放军系统内，在文化教育界，在工商界，在宗教界，在民主党派和人民团体内清出来的应判死刑的反革命分子，一般以处决十分之一二为原则，其余十分之八九均应采取判处死刑缓期执行强迫劳动以观后效的政策。如此，才能获得社会的同情；才能避免我们自己在这个问题上犯错误；才能分化和瓦解敌人，有利于彻底消灭反革命势力；又保存了大批的劳动力，有利于国家的生产建设。同时，在处决反革命问题上，乡村已达人口千分之一（在西北地区为千分之零点五）、城市已达人口千分之零点五者，应即停止大批地杀人。此外还应明确地规定：凡介在可抓可不抓之间的人一定不要抓，如果抓了就是犯错误；凡介在可杀可不杀之间的人一定不要杀，如果杀了就是犯错误。

296
(underlined text)

"..in rural areas, it should not exceed 1/1000 of the population... For counterrevolutionaries in the cities, generally it should be below 1/1000 of the population; .5/1000 should be appropriate. For instance, among the two million people of Peking, over 600 were killed. Another 300 are planned to be killed. A total of 1,000 wi be enough..."

Testimony of Mr. ZHENG Yi
Researcher and writer, Princeton China Initiative

Before the United States House of Representatives
Foreign Affairs Committee
Subcommittee on International Relations and Human Rights

China MFN: Human Rights Consequences
June 18, 1996

In China, parading prisoners through streets prior to execution is not a secret. Most Chinese see such scenes with regularity. Personally, it happened to me many times.

Indelibly ingrained on my mind is one such scenes. It was around 1970. In Guirang, capital of Guizhou Province, an "ideological prisoner", an ordinary woman sentenced to death for objection to Lin Biao, was being escorted to be shot. I happened to be in a place between Guiyang Telecommunications Building and Chunlei Square, a downtown location similar to Tiananmen Square in Beijing. Clearing the way for the motorcade were police vehicles, followed by trucks, each with a squad automatic weapon on its top, cram packed with soldiers and bristling with rifles. In the middle of the motorcade was the truck -- the tightly tied condemned woman, several soldiers pulling her hair to let the mob see her face clearly. Following that truck were other trucks cram packed with soldiers and bristling with rifles. The whole motorcade, about ten vehicles in all, was murderous looking.

Around 1975, in Xiaoyi County, Shanxi Province, at the coal mine where I was employed, I personally witnessed how a prisoner was publicly executed. It was a coal miner who was involved in a fight and killed his opponent. The killing site was located on a dried river bank near the coal mine. There were thousands of onlookers. The army authorities, for fear of losing control, lied to the mob that the prisoner would be shot at the foot of a hill. While the mob were running toward the hill foot, dozens of soldiers pulled the prisoner down from the truck, trotted with him along the river bank and shot him while trotting. As the prisoner and the firing squad were surrounded by other soldiers and some of the mob, I couldn't see how he had been shot. I only saw that a group of soldiers in dark glasses and gauze masks came out flurried from the mob, boarded a truck and immediately drove away. Those who saw the scene said the young soldier who fired the shot looked terrified, and was literally carried away by other soldiers. Forcing recruits to fire and kill has been a tradition of the Chinese Red Army since the Jinggangshan Period of the 1930s -- a soldier can be brave only if he kills somebody.

When the mob was beginning to disperse, I got close to the corpse and watched it. One detail struck me: the clothes and shoes were worn out but carefully darned with new thread. Obviously, his family was poor.

Not only do the savage Chinese communist authorities publicly kill people, but they resort to a thousand and one ways to make it impossible for condemned prisoners (in particular ideological prisoners) to shout out slogans on execution sites. For example:

XING Yuan-Hua, 37, clerk, Hami City, Xinjiang Autonomous District, was sentenced to death for his letters to Mao Zedong and other high-ranking leaders, in which he used very moderate language in expressing his objections to the cult of Mao's personality. On May 30, 1970, without his knowing the death verdict, his mouth full of cotton, XING was tightly tied up and escorted to a rally where the verdict was announced. He was then paraded through streets. Before the shot was fired, he did his utmost to spit out the cotton and shouted his last protest.

GUAN Ming-Hua, female, 37, medic, 8th regiment, 4th division, Guangzhou Military District Production and Construction Corps, was detained for her description of the "golden setting sun" in her diary, which was in contrast with the then fashionable eulogy of "Chairman Mao is the Red Sun". While she was induced to make a confession, she expressed her opinion in defense of Liu Shao-Qi and in opposition of Lin Biao. On March 12, 1971, in the morning, she was sentenced to death and executed immediately. A piece of bamboo was stuck in her mouth, secured by a piece of iron wire twisted at the back of her head. She died only after the third shot.

SHI Yun-feng, 26, worker, Changchun City, Jilin Province, was sentenced to death for posting flyers opposing the cult of personality and the cultural revolution. On December 9, 1976, execution day, high ranking officials of the city's public security and judicial units reported that execution could not be carried out as the prisoner was appealing. WANG Hui-Xiang, Secretary of the Jilin Province communist party, ordered that the execution be carried out promptly and "measures be undertaken." The measures were a procaine shot to his neck, his mouth crammed with cotton and the corners of his mouth sutured closed.

The above mentioned three cases were disclosed in the book *Spring Wind Turns into Seasonable Rain*, a two volume anthology, edited by the State Council's Office of Appeals, issued in 1981 by Mass Publishing House sponsored by the Chinese Ministry of Public Security. The purpose was to negate Mao Zedong and Hua Guo-Feng who succeeded him, and to establish Deng Xiaoping's power.

The best known and representative case is ZHANG Zhi-Xin, female, communist party cadre, Shenyang City, Liaoning Province. She was sentenced to death only because she expressed suspicions about Mao Zedong's wife Jiang Qing and Lin Biao. On April 14, 1975, early in the morning on the day she was executed, she was dragged into the prison office, where a box with a scalpel and scissors was placed on a table and a bucket of water was put on the ground. In the middle of the office was a brick. She wore leg irons and handcuffs. She was

suddenly pressed to the ground facing the ceiling, her neck pressed by the brick. Police officers severed her wind pipe with the scalpel and inserted a metal tube in her throat. At ten in the morning, Zhang was shot at Dongling execution site, Shenyang City. She was then mutilated, her body destroyed. In Spring 1979, due to internal power strife within the communist party, Zhang was rehabilitated. All major media covered in detail how her wind pipe had been severed. The above is quoted from the book *Here Ponders History*, issued in 1987 by Huaxia Publishing House, Beijing.

Ladies and gentlemen:

Today, testifying to United States Congress, I am fully aware of my whole responsiblity for each word of mine. My friends have told you about illegal organ transplantation surgeries. In China, this is only an open secret.

Today, as a writer whose reputation has never been questioned, I am bearing testimony before you. Never in world history has there been a country like mine where so much innocent blood has been shed. Never has there been a government like the Chinese communist government that has created such cruel modes of killing. I sincerely call upon all of you to continue paying close attention to human rights conditions in China, paying attention to the basic human rights of Wei Jing Sheng, Chen Ziming and all those who are being incarcerated.

Thank you for your attention.

Testimony of Dr. ZHOU Wei Zheng
Former Physician, Zhanjiang Medical Institute, Guangdong, China

Before the United States House of Representatives
Foreign Affairs Committee
Subcommittee on International Operations and Human Rights

China MFN: Human Rights Consequences
June 18, 1996

I attended the Zhanjiang Medical Institute in Guangdong Province, China from 1980 until 1985. I specialized in Medical Treatment. Following graduation in 1985, I was assigned to work as a resident physician at the Department of Nuclear Medicine at the Zhanjiang Medical Institute Hospital. I was employed there until 1994.

Due to the nature of my research work, I had frequent access to data related to kidney transplants at the hospital.

To the best of my knowledge, the Nongken Hospital and 422nd Hospital on numerous occasions used the organs from executed prisoners for transplant surgery.

The following is only one example of this practice:

In early 1994, the Department of Kidney Surgery at Nongken Hospital performed two kidney transplant procedures. The kidneys came from a single male prisoner who was executed in Beihai City, Guangxi Province.

One week prior to the execution, doctors from the Nongken Hospital went to the prison in Beihai City where the prisoner was being held. The doctors took blood samples for the purpose of analyzing his immune system.

On the day of the execution, the Nongken Hospital dispatched an ambulance and three doctors to the execution site to remove the organs from the prisoner immediately following the execution. The three doctors who performed the extraction were Dr. CHENG Huaji of the Kidney Department, Dr. CHEN Yong of the Surgical Department, and Dr. PENG of the Orthopedic Department. The ambulance was specially remodeled with tinted glass windows to prevent outsiders from seeing inside.

The primary factor which causes failure in transplant surgeries is oxygen deficiency in the transplanted organ that causes impairment of the cells. The longer the period of oxygen deficiency, the more impairment of the cells of the organ. Extended oxygen deficiency can cause irreversible cell impairment and impacts the survival of the transplanted organ. Organs must be put into special nutrition solutions immediately upon extraction.

To preserve the prisoner's organs, members of the People's Armed Police firing squad are ordered not to shoot to kill, but rather only to cause a coma.

Immediately after the execution, the prisoner was taken into the ambulance. Organ extraction procedures were directed by Dr. CHENG. Dr. CHENG made incisions in the back and at the waist, then extracted both kidneys. He then peeled off a piece of skin from the abdomen and extracted both eyeballs for skin and cornea transplant experimentation. Dr. PENG cut off a piece of shankbone for bone transplant experimentation. The corneas and shank bone were used for scientific research in related departments of Nongken Hospital and were not transplanted.

As soon as the extraction surgeries were completed, the ambulance started. In three hours they got to the hospital where other medical personnel were in full readiness to receive the kidneys. The kidneys were transplanted immediately. One of the patients was a female cadre from a farm, the other was self employed.

The surgeries were performed by professor ranked surgeons from the Sun Yat-sen Medical University in Guangzhou Municipality. The charge was twenty thousand RMB per procedure. Both procedures were successful. Both kidneys survived.

Besides the above mentioned two hospitals, I do not know whether similar surgeries were performed in other hospitals.

In all my years as a doctor in China, I heard of only one case in which kidneys were dontaed by the patient's family members. From what I heard, all other organs came from executed prisoners.

Testimony of Dr. QIAN Xiao Jiang
Research Assistant, Children's Hospital, Orange County, California
Former Phyisician, Hefei No. 1 People's Hospital, Anhui, CHina

Before the United States House of Representatives
Foreign Affairs Committee
Subcommittee on International Operations and Human Rights

China MFN: Human Rights Consequences
June 18, 1996

I have studied and worked in Chinese medical schools and hospitals for many years. Between February 1978 and 1982, I was a student at the Bangpu Medical Institute in Bangpu City Anhui Province. I was a physician there from the time of my graduation until 1990. Naturally, I had access to and am familiar with the situation of transplant surgeries in the People's Republic of China.

My knowledge of the situation of transplant surgeries in the People's Republic of China is as follows:

In Spring 1981, during my clinical practice at the Bangpu Medical Institute, I learned that its attached hospital performed a kidney transplant under the supervision of Dr. LI Zhong Jin, the director of the Urological Department. It was the first such surgery performed at the hospital. Dr. LI's son, Li De Qun, who was my roommate at the institute, told me of the procedure and that the kidney came from an executed prisoner.

My article, called "Kidney Transplantation in China", was printed in the Press Freedom Guardian (US Chinese magazine) in June, 1991. The contents are based upon my elder brother's experiences. I am submitting it as a part of this statement.

From 1985 to 1988, I was in the Master's Program in Clinical Immunology at the Shanghai Second Medical University. Success or failure of organ transplantation depends upon the management of rejection, which is a crucial aspect of immunology. While checking patients during my clinical rounds, I had access to surgeons who took part in the procedures.

According to the claims of the Shanghai No. 1 People's Hospital, the Urological Department of the Shanghai No. 1 People's Hospital, with Dr. XIE Tong as director and Dr. ZHANG Xian You as his assistant, was the largest kidney transplant surgery center in east China. It had more than 20 beds and performed an average of 20 kidney transplant procedures annually. Most of the kidneys came from executed prisoners.

Changzheng Hospital, located in Shanghai and attached to the Shanghai Second Military Medical University, and its Urological Department have a capacity of performing 5 to 10 kidney transplant surgeries annually. I heard that most of the kidneys came from executed prisoners.

In China, it is not necessary to make electroencephalograms to determine if a prisoner is brain-dead before extracting his or her organs. As scientific research demands, executed prisoners' organs are also extracted for research purposes. Dr. SHAO Ming of Guangming Hospital in Shanghai described to me scenes of this practice. His research is closely related to my job, a part of which is extracting antigen from the human spleen. It was around the Spring of 1987 when he extracted an executed prisoner's spleen. According to what he said, when the prisoner was placed in the ambulance, he could feel tremblings and pulses in his limbs. Everything from that prisoner, kidneys, spleen, heart, and corneas were extracted. He used the word, "Empty."

I know for a fact that some Americans travel to mainland China for kidney transplant procedures. Three years ago, a female American friend from California had her kidney transplant performed in mainland China.

To conclude, I believe that without the use of organs from executed prisoners, over 90% of China's transplant surgeries would be unthinkable. Traditional China conceptions preclude people from donating parts of their bodies after their demise.

In Chinese society, kidney transplant surgeries using prisoners' organs are an open secret. In China, whenever a patient needs a kidney, the first reaction, no matter whether it is the surgeon, the nurse or the patient himself, is: "wait for the guy to be shot."

Statement of Dr. QIAN Xiao Bing
(To be submitted for the record by Dr. QIAN Xiao Jiang)

Before the United States House of Representatives
Foreign Affairs Committee
Subcommittee on International Operations and Human Rights

China MFN: Human Rights Consequences
June 18, 1996

My name is QIAN Xiao Bing. In China, I took part in the extraction of kidneys from an executed prisoner for transplant.

The following is what I personally experienced. Since it happened some time ago, certain details might not be accurate. But the entire process is true and correct.

In Spring of 1984, I was a resident surgeon at the Anhui Provincial Hospital, 4 Lujiang Road, Hefei City, Anhui Province. I was then on rotation and was trained for three months in the Urological Department. Of the 40 beds allotted to the department, 10 were for kidney failure patients. Before I was trained at the department, approximately 20 patients had their kidney transplant surgeries performed. As far I know, almost all of the transplanted kidneys came from executed prisoners.

At that time, kidneys were in short supply. Furthermore, kidney transplant surgeries were still in the infant research period. Patients were meticulously screened for surgeries. Those who were screened were the lucky ones. Two patients were screened that particular time. One of them, TANG Xianruan was a male around 30 years old. The other, CHENG Tao, was a male around 20 years old.

The director of the urological department, YAO Zheng Zhi was active and energetic. Due to his multiple connections in the Anhui Province Department of Public Security, he knew something about death row prisoners in Anhui. At that time, we knew there were two young death row prisoners in the area, one in Huainan city and one in Hefei city. At the time, it was thought that the younger the age of the kidney donors, the better for transplant. The Urological department assigned its director, YAO Zheng Zhi, and me to take blood samples from the death row prisoner in Huainan city for biochemical tests. Two other doctors were sent to Hefei city.

We contacted the prison authorities when we arrived in Huainan city. The following morning, we were received at the prison by a prison cadre, a prison doctor and a strong soldier. I do not recall the prisoner's name. I do remember that he was sentenced to death for plundering and killing a 70 year old woman.

We were to take blood samples in a small prison office. It was the first time I ever saw a death row prisoner in handcuffs and leg-irons. He was about 19 years old, with a lean face. He was obviously nervous. The cadre said something to him, then pointed to us and said we were sent by the provincial public security bureau to

check his health. He said, "They will take a sample of your blood for biochemical tests. You must cooperate." The prisoner had no immediate reaction. He looked at our box of syringes and test tubes. When I took a syringe out of the box, he seemed to have realized something. He suddenly stood up and screamed something like, "No!" The two soldiers behind him and the strong soldier were prepared for this. They pressed him down into his chair. I was frightened by the prisoner's desperate expression. In the end, the prison doctor took the blood sample.

Because the death row prisoner's blood was incompatible with the two recipients on the waiting list, he was given up. The other two doctors were 'lucky'. Not only did they take the blood sample without a problem, they also found out that another young prisoner was about to be sentenced to death. Blood test showed that both death row prisoners were fit for kidney transplant. The department decided to perform the surgeries.

The kidney extraction and transplant surgeries were performed on the same day. That day, the department assigned me to remain in the hospital and prepare the impending surgeries while the others went to the execution site to extract the kidneys. They came back late in the day. In the operating room, everybody was whispering excitedly. I have forgotten many of the things discussed that day, but I remember three things:

- Prior to the execution, the condemned prisoners were given anti-coagulant shots, but one of them struggled desperately and several thick needles were bent.

- One prisoner's family wanted to claim the corpse. They learned where the execution site was and were waiting there. When the firing squad came to the site, it was hurriedly decided that the execution was to take place in another place. The surgical team followed. A lot of time was lost.

- The firing squads allowed the surgical ambulance to park more than 100 meters away from the execution site. After the shots were fired, the surgeons had to carry the corpses over to the ambulances.

Kidney Transplantation in China
by Xiao Jiang

Published in Press Freedom Guardian, June 14, 1991

Not long ago, I read an article in the Sing Tao Daily which said that certain Nanjing hospital was looking for Hong Kong residents in need of kidney transplant. I don't know if the news was true or not, but it made me recall my experiences of some years ago.

While working as a resident surgeon in China, I had a half year's rotation in the Urological Department of a big hospital. There were quite a few cases of kidney transplantation in the department, and I happened to take part in the procedures.

For kidney transplants, the first and most important step is to select the kidney donor and recipient based on a match determined by an MHC test. This is to prevent the transplanted kidney from being rejected by the recipient. In China, most kidneys come from executed prisoners, even though very few of them are willing to be donors. Actually, it is not necessary to obtain their consent, nor the family's consent, because no law in China prohibits the use of executed prisoners' organs for transplant.

As I remember, the first time I ever went to a prison was to obtain blood samples for an MHC typing test from two condemned prisoners. Had they known the truth, they would have definitely refused to give the blood samples. To avoid the trouble, they were cheated that there was a hepatitis epidemic in the prison, and everyone had to have a blood test. In order to make them believe the story, they were made to come with other prisoners who were not sentenced to be executed. The first prisoner looked a little stupid and was very cooperative during the blood sampling. The second one suddenly became suspicious of the story he had been told and struggled desperately against having his blood drawn. In the end, he was finally pressed on the ground to allow for venal puncture.

On the day of the execution, our surgical ambulance arrived at the execution site early and was parking in an appropriate spot. As the firing squad aimed their guns at the condemned men, I turned my head away to avoid seeing the bloody scene. As soon as the shots were fired, we got out of the ambulance and ran towards the targets now laying on the ground. We took him to our ambulance as fast as we could. As the kidneys were being removed, I found that he still had a pulse. I was too scared to say anything. After the kidneys had been removed, we brought the prisoner's body back to the spot where he had been shot. A forensic expert then examined the corpse to make sure it was dead.

When I related my story to urologists from other cities, one of them responded unemotionally. He said, "That's not rare. Sometime we give the donors anti-coagulating shots before they were executed. Sometimes, an executee's heart was still beating while his kidneys were being removed. They were shot a second time after the removal was completed."

Another surgeon told me about another scene. He said, "After the shots were fired, a crowd of people in white robes were swarming around the corpses. Urologists for kidneys, ophthalmologists for corneas, cardiologist for hearts, surgeons for spleens and livers. After everything was taken out, only a mass of flesh and bones remained on the ground."

At first, such descriptions disgusted me. But gradually I became used to them and simply shrugged my shoulders. In China, executee's mouths are stuffed with thorned cotton balls prior to execution to prevent them from shouting anti-government slogans. Sometimes their tracheas are cut.

How can I say anything more? I just try my best to avoid talking about such things.

TESTIMONY SUBMITTED

TO THE

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

OF THE

HOUSE COMMITTEE ON INTERNATIONAL RELATIONS

HONORABLE CHRISTOPHER H. SMITH, CHAIRMAN

ON

HUMAN RIGHTS AND THE EXTENSION OF MOST FAVORED NATION TRADING STATUS TO THE PEOPLES REPUBLIC OF CHINA

BY

MOST REVEREND DANIEL P. REILLY

BISHOP OF WORCESTER

CHAIRMAN, U.S. CATHOLIC CONFERENCE

COMMITTEE ON INTERNATIONAL POLICY

JUNE 18, 1996

Chairman Smith and Members of the Committee:

We welcome the opportunity to present testimony on the question of extending most favored nation trading status to China. For several years now this has been an annual exercise, with the President each year deciding in favor of extension and a significant part of the Congress voting either to deny MFN or condition its extension on certain improvements in the behavior of the Chinese government.

The position of the United States Catholic Conference has been that successive U.S. Administrations should have taken--and the current one should take--much firmer steps than any so far has in seeking to encourage Chinese compliance with international norms on human rights and religious liberty. To this end, we have urged that MFN extension be tied to evidence that the Beijing regime has made genuine improvements in its performance on human rights and religious liberty. We do insist that every society, especially one that seeks to assume a role of leadership among the family of nations, treat its own citizens in a morally acceptable manner and behave responsibly in its dealings with the rest of the world.

That means, in the case of China, that its disagreements with the people of Tibet be handled in ways other than by destroying the cultural foundations of the Tibetan people and manipulating the most profound religious traditions of that people, as was done in the matter of naming the next Panchen Lama.

It means that the right of parents to make decisions about the size of their family be respected, not violated by "one-child-per-family" policies which use coerced abortion and involuntary sterilization.

It means that the rights of workers be respected and that the principles of labor rights, including the basic right of all workers to organize and bargain collectively, be accorded the industrial and craft workers of China, a goal that today is not even on the horizon.

It means that the forced labor of the detainees in the concentration camps called *laogai* be ended, and that no product of slave labor find its way onto the world market, as is still unfortunately the case today.

Finally, it means that the growing interest in religion, and especially in Christianity, throughout China be respected, and that free religious activity be assured and not treated as a challenge to the security of the state. Although official discrimination against religious practice and persecution of church representatives are less today than in the 1950s and 1960s, it lately is seen to be worsening. Government behavior toward important segments of the Catholic and Protestant communities continues to be aggressive, at times brutal, and completely unacceptable.

And so, it is on these issues of fundamental human rights--the rights of the Tibetan people and their religious and cultural traditions; the right of women and men to engender and care for

their children without the oppression of the state; the rights of all workers and especially of those sent off to forced labor camps, usually for minor or technical infractions; and the rights of believers, especially Christians, to practice their faith as their conscience leads them--it is on these issues that we make our strongest plea to our government to exercise responsible leadership grounded in the moral and ethical principles that we as a people share.

Mr. Chairman, I would like to say a few words specifically about the Catholic Church in China, partly to clarify misunderstandings that often surround popular or journalistic discussion of this issue.

State control of internal church matters, such as the naming of bishops, is an unacceptable governmental intrusion into the life of the church. It is one which we earnestly hope will find, through negotiations between the Holy See and the Beijing government, a mutually satisfactory resolution in the not too distant future. Our chief concern here is the intolerance, amounting at times to oppression, of those believers who choose to express their faith outside the government-approved church structures.

All faithful Christians, without exception, suffered horribly in the years immediately following the communist takeover in 1949 and again during the nightmare that was the Cultural Revolution. It is the "underground" Catholic Church, like the burgeoning Protestant "house churches," that continues to experience discrimination and suffer persecution. In just the last months, a priest in Shanghai was sentenced to two years of re-education through labor for

preaching and administering the sacraments; Catholics who usually make pilgrimages during May to the Marian shrine in Donglu in the northern province of Hebei were this year prevented from doing so; and in the Wanxian diocese, in which large areas will be flooded next year if the Three Gorges project goes through on schedule, five churches will be innundated without any assistance from the government to re-locate, as is done with factories and other buildings.

We must also sadly note that there has lately been a new crackdown on non-recognized sectors of the Catholic and Protestant Churches. Late last year, the Religious Affairs Bureau issued new circulars to local officials, requiring, among other things, that all places of worship be registered and imposing new restrictions on missionary activity. These new restrictions cannot be ignored or go unchallenged.

In addition to these new pressures from the central government, reports continue to come out of new detentions or house arrests of clergy, including some of the aged bishops of the underground church. The Diocese of Baoding in northern Hebei Province, a main base of the underground church, has borne the brunt of the persecution in the past and continues to suffer most from the present crackdown.

There is a rapid growth of religious faith and practice in today's China, within both the open and the underground Catholic Church, among evangelical Christian groups, and in the traditional religions. This has apparently given rise to the fear of some in the government that

BOSTON PUBLIC LIBRARY
3 9999 05983 781 3

religion could play a destabilizing role.

The Buddhists of Tibet are accused of the political heresy of "splitism" and are now forbidden to display photographs of the Dalai Lama even in their homes; and Christians, partly because of the role that the Church has played in Poland and other European countries, are viewed as potential democracy activists and agitators for change. There is, of course, no comparison between the role and influence of the Church in the countries of Eastern Europe, where the Christian faith forms the foundation of the culture, and China, where members of the Christian churches have never been more than a tiny minority.

And so, Mr. Chairman, the U.S. Catholic Conference objects strenuously to the interference of the state authority in the internal life of the Church throughout the country, and we protest most vigorously the very serious human rights violations, the barbaric treatment at times accorded to clergy, religious and faithful in some areas who choose not to join with their other Catholic brothers and sisters in accepting, however uncomfortably, that interference.

Finally, permit me to say a word on the complexities of the divided Church in China. First of all, it is important to note that there are not two Catholic churches, nor is there a schismatic Church. The Catholic Church in China is wounded and internally divided and this results in pain and sadness for the whole Church. But as we protest the persecution of the "underground" Church and deplore the government interference with the "open" Church, we must witness, as the Holy Father has done, to the living faith of the whole Catholic community

in China. In his visit to Manila in January 1995, Pope John Paul II addressed all the Catholics of China in a radio broadcast, urging them "to seek paths to communion and reconciliation." Again, last August, on receiving the Bishops of Taiwan during their *ad limina* visit to Rome, he repeated the call to reconciliation and urged the Taiwanese Bishops to do everything they could to "promote harmony, patience and understanding, fraternal love and reconciliation among all the Catholics of the great Chinese family..."

In recognition of the fact that the Catholics of the official church group openly pray for the Pope and confess publicly their unity with the Universal Church, the Holy Father expressed the longing of all the Church when he said:

> For my part, I know that the Catholic community throughout China, in union of faith with the rest of the Catholic Church, prays for the Pope, recognizing generally in this way the specific nature of the Petrine ministry as an essential aspect of Christ's will for his Church... If these brothers and sisters of ours already pray for the Pope and in some way recognize in him the special ministry of Peter, how much longer will it be before he can embrace them and confirm them in faith and unity?

The situation of those belonging to the "Patriotic Association," as a recent Vatican document has pointed out, is very complex. We do the underground church group no favor by criticizing, still less by denouncing, the Catholics of the official church group. The Church in China would not be aided in its work of internal reconciliation by actions on the part of the

United States government to penalize elements of the officially-recognized Church.

To summarize, Mr. Chairman, there are important issues of human rights violations in present-day China, including restrictions of religious liberty and outright persecution of some religious groups, that our government should protest vigorously and constantly, publicly and in private, so that the Chinese authorities are under no illusion as to the seriousness of our position. One way of communicating that message is to condition the extension of most favored nation trading status upon marked improvement in the human rights area, and we urge the Congress to press this with the Administration. In the absence of serious legislative alternatives to denial of MFN, we oppose the renewal of MFN for the People's Republic of China at this time as the only real way to signal to our own government as well as the Chinese government the importance we attach to the denial of religious liberty and basic human rights.

Once again, Mr. Chairman, I wish to express our gratitude for your holding these important hearings and for receiving this testimony.

○

ISBN 0-16-053417-8

9 780160 534171 90000